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## OFFICIAL DOCUMENTS

### *The Declaration of Paris, 1856*

Declaration respecting maritime law signed by the Plenipotentiaries of Great Britain, Austria, France, Prussia, Russia, Sardinia, and Turkey, assembled in Congress at Paris, April 16, 1856.

The Plenipotentiaries who signed the Treaty of Paris of the 30th of March, 1856, assembled in conference,—considering:

That Maritime Law, in time of war, has long been the subject of deplorable disputes;

That the uncertainty of the law, and of the duties in such a matter, gives rise to differences of opinion between neutrals and belligerents which may occasion serious difficulties, and even conflicts;

That it is consequently advantageous to establish a uniform doctrine on so important a point.

That the Plenipotentiaries assembled in Congress at Paris cannot better respond to the intentions by which their governments are animated than by seeking to introduce into international relations fixed principles in this respect;

The above-mentioned Plenipotentiaries, being duly authorized, resolved to concert among themselves as to the means of attaining this object; and, having come to an agreement, have adopted the following solemn declaration:

1. Privateering is, and remains abolished.
2. The neutral flag covers enemy's goods, with the exception of contraband of war.
3. Neutral goods, with the exception of contraband of war, are not liable to capture under the enemy's flag.
4. Blockades, in order to be binding, must be effective, that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy.

The Governments of the undersigned Plenipotentiaries engage to bring the present Declaration to the knowledge of the states which have not taken part in the Congress of Paris, and to invite them to accede to it.

Convinced that the maxims which they now proclaim cannot but be received with gratitude by the whole world, the undersigned Plenipotentiaries doubt not that the efforts of their governments to obtain the general adoption thereof will be crowned with full success.

The present Declaration is not and shall not be binding, except between those Powers who have acceded, or shall accede to it.

Done at Paris, April 16, 1856.

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*The Geneva Convention for the Amelioration of the Condition of the Sick and Wounded of Armies in the Field. Concluded, August 22, 1864*

The Swiss Confederation; His Royal Highness the Grand Duke of Baden; His Majesty the King of the Belgians; His Majesty the King of Denmark; Her Majesty the Queen of Spain; His Majesty the Emperor of the French; His Royal Highness the Grand-Duke of Hesse; His Majesty the King of Italy; His Majesty the King of the Netherlands; His Majesty the King of Portugal and of the Algarves; His Majesty the King of Prussia; His Majesty the King of Würtemberg, being equally animated with the desire to soften, as much as depends on them, the evils of warfare, to suppress its useless hardships and improve the fate of wounded soldiers on the field of battle, have resolved to conclude a convention to that effect, and have named for their plenipotentiaries, viz:

[Names]

Who, after having exchanged their powers, and found them in good and due form, agree to the following articles:

ARTICLE I. Ambulances and military hospitals shall be acknowledged to be neuter, and, as such, shall be protected and respected by belligerents so long as any sick or wounded may be therein.

Such neutrality shall cease if the ambulances or hospitals should be held by a military force.

ART. II. Persons employed in hospitals and ambulances, comprising the staff for superintendence, medical service, administration, transport of wounded, as well as chaplains, shall participate in the benefit of neutrality, whilst so employed, and so long as there remain any wounded to bring in or to succor.

ART. III. The persons designated in the preceding article may, even after occupation by the enemy, continue to fulfil their duties in the hospital or ambulance which they serve, or may withdraw in order to rejoin the corps to which they belong.

Under such circumstances, when these persons shall cease from their functions, they shall be delivered by the occupying army to the outposts of the enemy.

ART. IV. As the equipment of military hospitals remains subject



to the laws of war, persons attached to such hospitals cannot, in withdrawing, carry away any articles but such as are their private property.

Under the same circumstances an ambulance shall, on the contrary, retain its equipment.

ART. V. Inhabitants of the country who may bring help to the wounded shall be respected, and shall remain free. The generals of the belligerent Powers shall make it their care to inform the inhabitants of the appeal addressed to their humanity, and of the neutrality which will be the consequence of it.

Any wounded man entertained and taken care of in a house shall be considered as a protection thereto. Any inhabitant who shall have entertained wounded men in his house shall be exempted from the quartering of troops, as well as from a part of the contributions of war which may be imposed.

ART. VI. Wounded or sick soldiers shall be entertained and taken care of, to whatever nation they may belong.

Commanders-in-chief shall have the power to deliver immediately to the outposts of the enemy soldiers who have been wounded in an engagement, when circumstances permit this to be done, and with the consent of both parties.

Those who are recognized, after their wounds are healed, as incapable of serving, shall be sent back to their country.

The others may also be sent back, on condition of not again bearing arms during the continuance of the war.

Evacuations, together with the persons under whose directions they take place, shall be protected by an absolute neutrality.

ART. VII. A distinctive and uniform flag shall be adopted for hospitals, ambulances and evacuations. It must, on every occasion, be accompanied by the national flag. An arm-badge (brassard) shall also be allowed for individuals neutralized, but the delivery thereof shall be left to military authority.

The flag and the arm-badge shall bear a red cross on a white ground.

ART. VIII. The details of execution of the present convention shall be regulated by the commanders-in-chief of belligerent armies, according to the instructions of their respective governments, and in conformity with the general principles laid down in this convention.

ART. IX. The high contracting Powers have agreed to communicate the present convention to those Governments which have not found it convenient to send plenipotentiaries to the International Conference at Geneva, with an invitation to accede thereto; the protocol is for that purpose left open.

ART. X. The present convention shall be ratified, and the ratifications shall be exchanged at Berne, in four months, or sooner, if possible.

In faith whereof the respective Plenipotentiaries have signed it and have affixed their seals thereto.

Done at Geneva, the twenty-second day of the month of August, of the year one thousand eight hundred and sixty-four.

*Additional Articles of 1868*

The governments of North Germany, Austria, Baden, Bavaria, Belgium, Denmark, France, Great Britain, Italy, the Netherlands, Sweden and Norway, Switzerland, Turkey, and Würtemberg, desiring to extend to armies on the sea the advantages of the Convention concluded at Geneva the 22d of August, 1864, for the amelioration of the condition of wounded soldiers of armies in the field, and to further particularize some of the stipulations of the said Convention, have named for their commissioners:

[Names]

Who, having been duly authorized to that effect, agreed, under reserve of approbation from their governments, to the following dispositions:

ARTICLE I. The persons designated in Article II of the Convention shall, after the occupation by the enemy, continue to fulfil their duties, according to their wants, to the sick and wounded in the ambulance or the hospital which they serve. When they request to withdraw, the commander of the occupying troops shall fix the time of departure, which he shall only be allowed to delay for a short time in case of military necessity.

ART. II. Arrangements will have to be made by the belligerent powers to ensure to the neutralized person, fallen into the hands of the army of the enemy, the entire enjoyment of his salary.

ART. III. Under the conditions provided for in Articles I and IV of the Convention, the name "ambulance" applies to field hospitals and other temporary establishments, which follow the troops on the field of battle to receive the sick and wounded.

ART. IV. In conformity with the spirit of Article V of the Convention and to the reservations contained in the protocol of 1864, it is explained that for the appointment of the charges relative to the quartering of troops, and of the contributions of war, account only shall be taken in an equitable manner of the charitable zeal displayed by the inhabitants.

ART. V. In addition to Article VI of the Convention, it is stipulated that, with the reservation of officers whose detention might be important to the fate of arms and within the limits fixed by the second paragraph

of that article, the wounded fallen into the hands of the enemy shall be sent back to their country, after they are cured, or sooner if possible, on condition, nevertheless, of not again bearing arms during the continuance of the war.

ART. VI. The boats which, at their own risk and peril, during and after an engagement pick up the shipwrecked or wounded, or which having picked them up, convey them on board a neutral or hospital ship, shall enjoy, until the accomplishment of their mission, the character of neutrality, as far as the circumstances of the engagement and the position of the ships engaged will permit.

The appreciation of these circumstances is entrusted to the humanity of all the combatants. The wrecked and wounded thus picked and saved must not serve again during the continuance of the war.

ART. VII. The religious, medical and hospital staff of any captured vessel are declared neutral, and, on leaving the ship, may remove the articles and surgical instruments which are their private property.

ART. VIII. The staff designated in the preceding article must continue to fulfil their functions in the captured ship, assisting in the removal of the wounded made by the victorious party; they will then be at liberty to return to their country, in conformity with the second paragraph of the first additional article.

The stipulations of the second additional article are applicable to the pay and allowance of the staff.

ART. IX. The military hospital ships remain under martial law in all that concerns their stores; they become the property of the captor, but the latter must not divert them from their special appropriation during the continuance of the war.

ART. X. Any merchantman, to whatever nation she may belong, charged exclusively with removal of sick and wounded, is protected by neutrality, but the mere fact, noted on the ship's books, of the vessel having been visited by an enemy's cruiser, renders the sick and wounded incapable of serving during the continuance of the war. The cruiser shall even have the right of putting on board an officer in order to accompany the convoy, and thus verify the good faith of the operation.

If the merchant ship also carries a cargo, her neutrality will still protect it, provided that such cargo is not of a nature to be confiscated by the belligerent.

The belligerents retain the right to interdict neutralized vessels from all communication, and from any course which they may deem prejudicial to the secrecy of their operation. In urgent cases special con-

ventions may be entered into between commanders-in-chief, in order to neutralize temporarily and in a special manner the vessels intended for the removal of the sick and wounded.

ART. XI. Wounded or sick sailors and soldiers, when embarked, to whatever nation they may belong, shall be protected and taken care of by their captors.

Their return to their own country is subject to the provisions of Article VI of the Convention, and of the additional Article. V.

ART. XII. The distinctive flag to be used with the national flag, in order to indicate any vessel or boat which may claim the benefits of neutrality, in virtue of the principles of this Convention, is a white flag with a red cross. The belligerents may exercise in this respect any mode of verification which they may deem necessary.

Military hospital ships shall be distinguished by being painted white outside, with green strake.

ART. XIII. The hospital ships which are equipped at the expense of the aid societies, recognized by the governments signing this Convention, and which are furnished with a commission emanating from the sovereign, who shall have given express authority for their being fitted out, and with a certificate from the proper naval authority that they have been placed under his control during their fitting out and on their final departure, and that they were then appropriated solely to the purpose of their mission, shall be considered neutral, as well as the whole of their staff. They shall be recognized and protected by the belligerents.

They shall make themselves known by hoisting, together with their national flag, the white flag with a red cross. The distinctive mark of their staff, while performing their duties, shall be an armlet of the same colors. The outer painting of these hospital ships shall be white, with red strake.

These ships shall bear aid and assistance to the wounded and wrecked belligerents without distinction of nationality.

They must take care not to interfere in any way with the movements of the combatants. During and after the battle they must do their duty at their own risk and peril.

The belligerents shall have the right of controlling and visiting them; they will be at liberty to refuse their assistance, to order them to depart, and to detain them if the exigencies of the case require such a step.

The wounded and wrecked picked up by these ships cannot be reclaimed by either of the combatants, and they will be required not to serve during the continuance of the war.

ART. XIV. In naval wars any strong presumption that either belligerent takes advantage of the benefits of neutrality, with any other view than the interest of the sick and wounded, gives to the other belligerent, until proof to the contrary, the right of suspending the Convention, as regards such belligerent.

Should this presumption become a certainty, notice may be given to such belligerent that the Convention is suspended with regard to him during the whole continuance of the war.

ART. XV. The present Act shall be drawn up in a single original copy, which shall be deposited in the Archives of the Swiss Confederation.

An authentic copy of this Act shall be delivered, with an invitation to adhere to it, to each of the signatory Powers of the Convention of the 22d of August, 1864, as well as to those that have successively acceded to it.

In faith whereof, the undersigned commissaries have drawn up the present project of additional articles and have apposed thereunto the seals of their arms.

Done at Geneva, the twentieth day of the month of October, of the year one thousand eight hundred and sixty-eight.

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*The Declaration of St. Petersburg, 1868*

Upon the invitation of the Imperial Cabinet of Russia, an international military commission having been assembled at St. Petersburg in order to consider the desirability of forbidding the use of certain projectiles in time of war among civilized nations, and this commission having fixed by a common accord the technical limits within which the necessities of war ought to yield to the demands of humanity, the undersigned have been authorized by the orders of their Governments to declare as follows:

Considering that the progress of civilization should have the effect of alleviating, as much as possible the calamities of war:

That the only legitimate object which states should endeavor to accomplish during war is to weaken the military force of the enemy;

That for this purpose, it is sufficient to disable the greatest possible number of men;

That this object would be exceeded by the employment of arms which uselessly aggravate the sufferings of disabled men, or render their death inevitable;

That the employment of such arms would, therefore, be contrary to the laws of humanity;

The contracting parties engage, mutually, to renounce, in case of war among themselves, the employment, by their military or naval forces, of any projectile of less weight than four hundred grammes, which is explosive, or is charged with fulminating or inflammable substances.

They agree to invite all the states which have not taken part in the deliberations of the International Military Commission, assembled at St. Petersburg, by sending delegates thereto, to accede to the present engagement.

This engagement is obligatory only upon the contracting or acceding parties thereto, in case of war between two or more of themselves; it is not applicable with regard to non-contracting powers, or powers that shall not have acceded to it.

It will also cease to be obligatory from the moment when, in a war between contracting or acceding parties, a non-contracting party, or a non-acceding party, shall join one of the belligerents.

The contracting or acceding parties reserve to themselves the right to come to an understanding, hereafter, whenever a precise proposition shall be drawn up, in view of future improvements which may be effected in the armament of troops, in order to maintain the principles which they have established, and to reconcile the necessities of war with the laws of humanity.

Done at St. Petersburg, November 29 (December 11), 1868.

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*Project of an International Declaration Concerning the Laws and Customs of War, Adopted by the Conference of Brussels, August 27, 1874*

ARTICLE I. A territory is considered as occupied when it is actually placed under the authority of the hostile army.

The occupation only extends to those territories where this authority is established, and can be exercised.

II. The authority of the legal power being suspended, and having actually passed into the hands of the occupier, he shall take every step in his power to re-establish and secure, as far as possible, public safety and social order.

III. With this object he will maintain the laws which were in force in the country in time of peace, and he will only modify, suspend, or replace them by others if necessity obliges him to do so.

IV. The functionaries and officials of every class who, at the instance of the occupier, consent to continue to perform their duties, shall be under his protection. They shall not be dismissed or be liable to summary punishment (punis disciplinairement) unless they fail in fulfilling



the obligations they have undertaken, and shall be handed over to justice, only if they violate those obligations by unfaithfulness.

V. The army of occupation shall only levy such taxes, dues, duties, and tolls as are already established for the benefit of the State, or their equivalent, if it be impossible to collect them, and this shall be done as far as possible in the form of and according to existing practice. It shall devote them to defraying the expenses of the administration of the country to the same extent as was obligatory on the legal Government.

VI. The army occupying a territory shall take possession only of the specie, the funds, and bills, etc. (*valeurs exigibles*), which are the property of the State in its own right, the depots of arms, means of transport, magazines and supplies, and, in general, all the personal property of the State which may be of service in carrying on the war.

Railway plant, land telegraphs, steam and other vessels, not included in cases regulated by maritime law, as well as depots of arms, and generally every kind of munitions of war, although belonging to companies or to private individuals, are to be considered equally as means of aid in carrying on a war, which cannot be left at the disposal of the enemy. Railway plant, land telegraphs, as well as the steam and other vessels above-mentioned shall be restored, and indemnities be regulated on the conclusion of peace.

VII. The occupying State shall only consider itself in the light of an administrator and usufructuary of the public buildings, real property, forests, and agricultural works belonging to the hostile State, and situated in the occupied territory. It is bound to protect these properties (*fonds de ces propriétés*) and to administer them according to the laws of usufruct.

VIII. The property of parishes (*communes*), or establishments devoted to religion, charity, education, arts and sciences, although belonging to the State, shall be treated as private property.

Every seizure, destruction of, or wilful damage to, such establishments, historical monuments, or works of art or of science, should be prosecuted by the competent authorities.

IX. The laws, rights, and duties of war are applicable not only to the army, but likewise to militia and corps of volunteers complying with the following conditions:

1. That they have at their head a person responsible for his subordinates;
2. That they wear some settled distinctive badge recognizable at a distance;

3. That they carry arms openly; and
4. That, in their operations, they conform to the laws and customs of war.

In those countries where the militia forms the whole or part of the army, they shall be included under the denomination of "army."

X. The population of a non-occupied territory, who, on the approach of the enemy, of their own accord take up arms to resist the invading troops, without having had time to organize themselves in conformity with Article IX, shall be considered as belligerents, if they respect the laws and customs of war.

XI. The armed forces of the belligerents may be composed of combatants and non-combatants. In the event of being captured by the enemy, both one and the other shall enjoy the rights of prisoners of war.

XII. The laws of war do not allow to belligerents an unlimited power as to the choice of means of injuring the enemy.

XIII. According to this principle are strictly forbidden:

- (a) The use of poison or poisoned weapons.
- (b) Murder by treachery of individuals belonging to the hostile nation or army.
- (c) Murder of an antagonist who, having laid down his arms, or having no longer the means of defending himself, has surrendered at discretion.
- (d) The declaration that no quarter will be given.
- (e) The use of arms, projectiles, or substances (*matières*) which may cause unnecessary suffering, as well as the use of the projectiles prohibited by the Declaration of St. Petersburg in 1868.
- (f) Abuse of the flag of truce, the national flag, or the military insignia or uniform of the enemy, as well as the distinctive badges of the Geneva Convention.
- (g) All destruction or seizure of the property of the enemy which is not imperatively required by the necessity of war.

XIV. Stratagems (*ruses de guerre*), and the employment of means necessary to procure intelligence respecting the enemy or the country (*terrain*) (subject to the provisions of Article XXXVI), are considered as lawful means.

XV. Fortified places are alone liable to be seized. Towns, agglomerations of houses or villages, which are open and undefended, cannot be attacked or bombarded.

XVI. But if a town or fortress, agglomeration of houses, or villages be defended, the commander of the attacking forces should, before



commencing a bombardment, and except in the case of surprise, do all in his power to warn the authorities.

XVII. In the like case all necessary steps should be taken to spare, as far as possible, buildings devoted to religion, arts, sciences, and charity, hospitals and places where sick and wounded are collected, on condition that they are not used at the same time for military purposes.

It is the duty of the besieged to indicate these buildings by special visible signs to be notified beforehand by the besieged.

XVIII. A town taken by storm shall not be given up to the victorious troops to plunder.

XIX. No one shall be considered as a spy but those who, acting secretly or under false pretences, collect, or try to collect, information in districts occupied by the enemy with the intention of communicating it to the opposing force.

XX. A spy if taken in the act shall be tried and treated according to the laws in force in the army which captures him.

XXI. If a spy who rejoins the army to which he belongs is subsequently captured by the enemy, he is to be treated as a prisoner of war, and incurs no responsibility for his previous acts.

XXII. Military men (*les militaires*) who have penetrated within the zone of operations of the enemy's army, with the intention of collecting information, are not considered as spies if it has been possible to recognize the military character.

In like manner military men (and also non-military persons carrying out their mission openly) charged with the transmission of despatches either to their own army or to that of the enemy, shall not be considered as spies if captured by the enemy.

To this class belong, also, if captured, individuals sent in balloons to carry despatches, and generally to keep up communications between the different parts of an army, or of a territory.

XXIII. Prisoners of war are lawful and unarmed enemies. They are in the power of the enemy's Government, but not of the individuals or of the corps who made them prisoners.

They should be treated with humanity.

Every act of insubordination authorizes the necessary measures of severity to be taken with regard to them.

All their personal effects except their arms are considered to be their own property.

XXIV. Prisoners of war are liable to internment in a town, fortress, camp, or in any locality whatever, under an obligation not to go beyond

certain fixed limits; but they may not be placed in confinement (*enfermés*) unless absolutely necessary as a measure of security.

XXV. Prisoners of war may be employed on certain public works which have no immediate connection with the operations on the theater of war, provided the employment be not excessive, nor humiliating to their military rank, if they belong to the army, or to their official or social position, if they do not belong to it.

They may also, subject to such regulations as may be drawn up by the military authorities, undertake private work.

The pay they receive will go towards ameliorating their position or will be placed to their credit at the time of their release. In this case the cost of their maintenance may be deducted from their pay.

XXVI. Prisoners of war cannot be compelled in any way to take any part whatever in carrying on the operations of the war.

XXVII. The Government, in whose power are the prisoners of war undertakes to provide for their maintenance.

The conditions of such maintenance may be settled by a mutual understanding between the belligerents.

In default of such an understanding, and as a general principle, prisoners of war shall be treated, as regards food and clothing, on the same footing as the troops of the Government who made them prisoners.

XXVIII. Prisoners of war are subject to the laws and regulations in force in the army in whose power they are.

Arms may be used, after summoning, against a prisoner attempting to escape. If retaken, he is subject to summary punishment (*peines disciplinaires*) or to a stricter surveillance.

If, after having escaped, he is again made prisoner, he is not liable to any punishment for his previous escape.

XXIX. Every prisoner is bound to declare, if interrogated on the point, his true name and rank, and in the case of his infringing this rule he will incur a restriction of the advantages granted to the prisoners of the class to which he belongs.

XXX. The exchange of prisoners of war is regulated by mutual agreement between belligerents.

XXXI. Prisoners of war may be released on parole if the laws of their country allow it, and in such a case they are bound on their personal honour to fulfil scrupulously, as regards their own Government, as well as that which made them prisoners, the engagements they have undertaken.

In the same case their own Government should neither demand nor accept from them any service contrary to their parole.

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XXXII. A prisoner of war cannot be forced to accept release on parole, nor is the enemy's Government obliged to comply with the request of a prisoner claiming to be released on parole.

XXXIII. Every prisoner of war liberated on parole, and retaken carrying arms against the Government to which he had pledged his honour, may be deprived of the rights accorded to prisoners of war, and may be brought before the tribunals.

XXXIV. Persons in the vicinity of armies, but who do not directly form part of them, such as correspondents, newspaper reporters, "vivandiers," contractors, etc., may also be made prisoners of war.

These persons should, however, be furnished with a permit issued by a competent authority, as well as with a certificate of identity.

XXXV. The duties of belligerents, with regard to the treatment of sick and wounded, are regulated by the Convention of Geneva of the 22d August, 1864, subject to the modifications which may be introduced into that convention.

XXXVI. The population of an occupied territory cannot be compelled to take part in military operations against their own country.

XXXVII. The population of occupied territories cannot be compelled to swear allegiance to the enemy's power.

XXXVIII. The honour and rights of the family, the life, and property of individuals, as well as their religious convictions and the exercise of their religion, should be respected.

Private property cannot be confiscated.

XXXIX. Pillage is expressly forbidden.

XL. As private property should be respected, the enemy will demand from parishes (communes) or the inhabitants, only such payments and services as are connected with the necessities of war generally acknowledged in proportion to the resources of the country, and which do not imply, with regard to the inhabitants, the obligation of taking part in the operations of war against their own country.

XLI. The enemy, in levying contributions, whether as equivalents for taxes (vide Art. V), or for payments which should be made in kind, or as fines, will proceed, as far as possible, according to the rules of the distribution and assessment of the taxes in force in the occupied territory.

The civil authorities of the legal Government will afford their assistance, if they have remained in office.

Contributions can be imposed only on the order and on the responsibility of the General-in-Chief, or of the superior civil authority established by the enemy in the occupied territory.

For every contribution a receipt shall be given to the person furnishing it.

XLII. Requisitions shall be made only by the authority of the Commandant of the locality occupied.

For every requisition an indemnity shall be granted or a receipt given.

XLIII. An individual authorized by one of the belligerents to confer with the other, on presenting himself with a white flag, accompanied by a trumpeter (bugler or drummer), or also by a flag-bearer, shall be recognized as the bearer of a flag of truce. He, as well as the trumpeter (bugler or drummer), and the flag-bearer, who accompany him, shall have the right of inviolability.

XLIV. The commander to whom a bearer of a flag of truce is despatched is not obliged to receive him under all circumstances and conditions.

It is lawful for him to take all measures necessary for preventing the bearer of the flag of truce taking advantage of his stay within the radius of the enemy's position to the prejudice of the latter; and if the bearer of the flag of truce is found guilty of such a breach of confidence, he has the right to detain him temporarily.

He may equally declare beforehand that he will not receive bearers of flags of truce during a certain period. Envoys presenting themselves after such a notification from the side to which it has been given forfeit their right of inviolability.

XLV. The bearer of a flag of truce forfeits his right of inviolability if it be proved in a positive and irrefutable manner that he has taken advantage of his privileged position to incite to, or commit, an act of treachery.

XLVI. The conditions of capitulations shall be discussed by the Contracting Parties.

These conditions should not be contrary to military honour.

When once settled by a Convention, they should be scrupulously observed by both sides.

XLVII. An armistice suspends warlike operations by a mutual agreement between the belligerents. Should the duration thereof not be fixed, the belligerents may resume operations at any moment; provided, however, that proper warning be given to the enemy, in accordance with the conditions of the armistice.

XLVIII. An armistice may be general or local. The former suspends all warlike operations between the belligerents; the latter only those between certain portions of the belligerent armies, and within a fixed radius.

XLIX. An armistice should be notified officially and without delay to the competent authorities and to the troops. Hostilities are suspended immediately after the notification.

L. It rests with the Contracting Parties to define in the clauses of the armistice the relations which shall exist between the populations.

LI. The violation of the armistice by either of the parties gives to the other the right of terminating it (le dénoncer).

LII. The violation of the clauses of an armistice by private individuals, on their own personal initiative, only affords the right of demanding the punishment of the guilty persons, and, if there is occasion for it, an indemnity for losses sustained.

LIII. The neutral State receiving in its territory troops belonging to the belligerent armies will intern them, so far as it may be possible away from the theater of war.

They may be kept in camps, or even confined in fortresses or in places appropriated to this purpose.

It will decide whether the officers may be released on giving their parole not to quit the neutral territory without authority.

LIV. In default of a special agreement, the neutral State which receives the belligerent troops will furnish the interned with provisions, clothing, and such aid as humanity demands.

The expenses incurred by the internment will be made good at the conclusion of peace.

LV. The neutral State may authorize the transport across its territory of the wounded and sick belonging to the belligerent armies, provided that the trains which convey them do not carry either the *personnel* or *material* of war.

In this case the neutral State is bound to take the measures necessary for the safety and control of the operation.

LVI. The Convention of Geneva is applicable to the sick and wounded interned on neutral territory.

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*Acte Final de la Conférence Internationale de la Paix*

La Conférence Internationale de la Paix, convoquée dans un haut sentiment d'humanité par Sa Majesté l'Empereur de Toutes les Russies, s'est réunie, sur l'invita-

*Final Act of the International Peace Conference*

The International Peace Conference, convoked in the best interests of humanity by His Majesty the Emperor of All the Russias, assembled on the invitation of the

tion du Gouvernement de Sa Majesté la Reine des Pays-Bas, à la Maison Royale du Bois, à La Haye, le 18 Mai, 1899.

Les Puissances, dont l'énumération suit, ont pris part à la Conférence, pour laquelle elles avaient désigné les Délégués nommés ci-après:

[Noms.]

Dans une série de réunions, tenues du 18 Mai au 29 Juillet, 1899, où les Délégués précités ont été constamment animés du désir de réaliser, dans la plus large mesure possible, les vues généreuses de l'auguste Initiateur de la Conférence et les intentions, de leurs Gouvernements, la Conférence a arrêté, pour être soumis à la signature des Plénipotentiaires, le texte des Conventions et Déclarations énumérées ci-après et annexées au présent Acte:

I. Convention pour le règlement pacifique des conflits internationaux.

II. Convention concernant les lois et coutumes de la guerre sur terre.

III. Convention pour l'adaptation à la guerre maritime des principes de la Convention de Genève du 22 Août, 1864.

IV. Trois Déclarations concernant:

1. L'interdiction de lancer des projectiles et des explosifs du haut de ballons ou par d'autres modes analogues nouveaux.

Government of Her Majesty the Queen of the Netherlands in the Royal House in the Wood at the Hague, on the 18th May, 1899.

The Powers enumerated in the following list took part in the Conference, to which they appointed the Delegates named below:

[Names.]

In a series of meetings, between the 18th May and the 29th July, 1899, in which the constant desire of the Delegates above mentioned has been to realize, in the fullest manner possible, the generous views of the august Initiator of the Conference and the intentions of their Governments, the Conference has agreed, for submission for signature by the Plenipotentiaries, on the text of the Conventions and Declarations enumerated below and annexed to the present Act:

I. Convention for the peaceful adjustment of international differences.

II. Convention regarding the laws and customs of war by land.

III. Convention for the adaptation to maritime warfare of the principles of the Geneva Convention of the 22d August, 1864.

IV. Three Declarations:

1. To prohibit the launching of projectiles and explosives from balloons or by other similar new methods.



2. L'interdiction de l'emploi des projectiles qui ont pour but unique de répandre des gaz asphyxiants ou délétères.

3. L'interdiction de l'emploi de balles qui s'épanouissent ou s'aplatissent facilement dans le corps humain, telles que les balles à enveloppe dure dont l'enveloppe ne couvrirait pas entièrement le noyau ou serait pourvue d'incisions.

Ces Conventions et Déclarations formeront autant d'Actes séparés. Ces Actes porteront la date de ce jour et pourront être signés jusqu'au 31 Décembre, 1899, par les Plenipotentiaires des Puissances représentées à la Conférence Internationale de la Paix à La Haye.

Obéissant aux mêmes inspirations, la Conférence a adopté à l'unanimité la Résolution suivante:

"La Conférence estime que la limitation des charges militaires qui pèsent actuellement sur le monde est grandement désirable pour l'accroissement du bien-être matériel et moral de l'humanité."

Elle a, en outre, émis les vœux suivants:

1. La Conférence, prenant en considération les démarches préliminaires faites par le Gouvernement Fédéral Suisse pour la révision de la Convention de Genève, émet le vœu qu'il soit procédé à bref délai, à la réunion d'une Con-

2. To prohibit the use of projectiles, the only object of which is the diffusion of asphyxiating or deleterious gases.

3. To prohibit the use of bullets which expand or flatten easily in the human body, such as bullets with a hard envelope, of which the envelope does not entirely cover the core, or is pierced with incisions.

These Conventions and Declarations shall form so many separate Acts. These Acts shall be dated this day, and may be signed up to the 31st December, 1899, by the Plenipotentiaries of the Powers represented at the International Peace Conference at The Hague.

Guided by the same sentiments, the Conference has adopted unanimously the following Resolution:

"The Conference is of opinion that the restriction of military charges, which are at present a heavy burden on the world, is extremely desirable for the increase of the material and moral welfare of mankind."

It has, besides, formulated the following wishes:

1. The Conference, taking into consideration the preliminary step taken by the Swiss Federal Government for the revision of the Geneva Convention, expresses the wish that steps may be shortly taken for the assembly of a Special

férence spéciale ayant pour objet la révision de cette Convention.

Ce vœu a été voté à l'unanimité.

2. La Conférence émet le vœu que la question des droits et des devoirs des neutres soit inscrite au programme d'une prochaine Conférence.

3. La Conférence émet le vœu que les questions relatives aux fusils et aux canons de marine, telles qu'elles ont été examinées par elle, soient mises à l'étude par les Gouvernements, en vue d'arriver à une entente concernant la mise en usage de nouveaux types et calibres.

4. La Conférence émet le vœu que les Gouvernements, tenant compte des propositions faites dans la Conférence, mettent à l'étude la possibilité d'une entente concernant la limitation des forces armées de terre et de mer et des budgets de guerre.

5. La Conférence émet le vœu que la proposition tendant à déclarer l'inviolabilité de la propriété privée dans la guerre sur mer soit renvoyée, à l'examen d'une Conférence ultérieure.

6. La Conférence émet le vœu que la proposition de régler la question du bombardement des ports, villes, et villages par une force navale soit renvoyée, à l'examen d'une Conférence ultérieure.

Les cinq derniers vœux ont été

Conference having for its object the revision of that Convention.

This wish was voted unanimously.

2. The Conference expresses the wish that the questions of the rights and duties of neutrals may be inserted in the programme of a Conference in the near future.

3. The Conference expresses the wish that the questions with regard to rifles and naval guns, as considered by it, may be studied by the Governments with the object of coming to an agreement respecting the employment of new types and calibres.

4. The Conference expresses the wish that the Governments, taking into consideration the proposals made at the Conference, may examine the possibility of an agreement as to the limitation of armed forces by land and sea, and of war budgets.

5. The Conference expresses the wish that the proposal, which contemplates the declaration of the inviolability of private property in naval warfare, may be referred to a subsequent Conference for consideration.

6. The Conference expresses the wish that the proposal to settle the question of the bombardment of ports, towns, and villages by a naval force may be referred to a subsequent Conference for consideration.

The last five wishes were voted



votés à l'unanimité, sauf quelques abstentions.

En foi de quoi, les Plénipotentiaires ont signé le présent Acte, et y ont apposé leurs cachets.

Fait à La Haye, le 29 Juillet, 1899, en un seul exemplaire, qui sera déposé, au Ministère des Affaires Étrangères, et dont des copies certifiées conformes, seront délivrées à toutes les Puissances représentées à la Conférence.

[Signatures.]

unanimously, saving some abstentions.

In faith of which, the Plenipotentiaries have signed the present Act, and have affixed their seals thereto.

Done at The Hague, 29th July, 1899, in one copy only, which shall be deposited in the Ministry for Foreign Affairs, and of which copies, duly certified, shall be delivered to all the Powers represented at the Conference.

[Signatures.]

*Convention pour le Règlement Pacifique des Conflits Internationaux*

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; Sa Majesté l'empereur d'Autriche, Roi de Bohême etc. et Roi Apostolique de Hongrie; Sa Majesté le Roi des Belges; Sa Majesté l'Empereur de Chine; Sa Majesté le Roi de Danemark; Sa Majesté le Roi d'Espagne et en Son Nom Sa Majesté la Reine-Régente du Royaume; le Président des Etats-Unis d'Amérique; le Président des Etats-Unis Mexicains; le Président de la République Française; Sa Majesté la Reine du Royaume-Uni de la Grande Bretagne et d'Irlande, Impératrice des Indes; Sa Majesté le Roi des Hellènes; Sa Majesté le Roi d'Italie; Sa Majesté l'Empereur du Japon; Son Altesse Royale le Grand-Duc de Luxem-

*Convention for the Peaceful Adjustment of International Differences*

His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia etc. and Apostolic King of Hungary; His Majesty the King of Belgium; His Majesty the Emperor of China; His Majesty the King of Denmark; His Majesty the King of Spain and in His Name Her Majesty the Queen Regent of the Kingdom; the President of the United States of America; the President of the United Mexican States; the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan,

bourg, Duc de Nassau; Son Altesse le Prince de Monténégro; Sa Majesté la Reine des Pays-Bas; Sa Majesté Impériale le Schah de Perse; Sa Majesté le Roi de Portugal et des Algarves etc.; Sa Majesté le Roi de Roumaine; Sa Majesté l'Empereur de Toutes les Russies; Sa Majesté le Roi de Serbie; Sa Majesté le Roi de Siam.; Sa Majesté le Roi de Suède et de Norvège; le Conseil Fédéral Suisse; Sa Majesté l'Empereur des Ottomans et Son Altesse Royale le Prince de Bulgarie

Animés de la ferme volonté de concourir au maintien de la paix générale;

Résolus à favoriser de tous leurs efforts le règlement aimable des conflits internationaux;

Reconnaissant la solidarité qui unit les membres de la société des nations civilisées;

Volulant étendre l'empire du droit et fortifier le sentiment de la justice internationale;

Convaincus que l'institution permanente d'une juridiction arbitrale, accessible à tous, au sein des Puissances indépendantes peut contribuer efficacement à ce résultat;

Considérant les avantages d'une organisation générale et régulière de la procédure arbitrale;

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves etc.; His Majesty the King of Roumania; His Majesty the Emperor of all the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden and Norway; the Swiss Federal Council; His Majesty the Emperor of the Ottomans and His Royal Highness the Prince of Bulgaria

Animated by a strong desire to concert for the maintenance of the general peace;

Resolved to second by their best efforts the friendly settlement of international disputes;

Recognizing the solidarity which unites the members of the society of civilized nations;

Desirous of extending the empire of law, and of strengthening the appreciation of international justice;

Convinced that the permanent institution of a Court of Arbitration, accessible to all in the midst of the independent Powers, will contribute effectively to this result;

Having regard to the advantages attending the general and regular organization of arbitral procedure;

Estimant avec l'Auguste Initiateur de la Conférence Internationale de la Paix qu'il importe de consacrer dans un accord international les principes d'équité et de droit sur lesquels reposent la sécurité des Etats et le bien-être des Peuples;

Désirant conclure une Convention à cet effet ont nommé pour Leurs plénipotentiaires, savoir:

[Noms.]

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes:

TITRE I.—DU MAINTIEN DE LA  
PAIX GÉNÉRALE.

ARTICLE 1.

En vue de prévenir autant que possible le recours à la force dans les rapports entre les Etats, les Puissances signataires conviennent d'employer tous leurs efforts pour assurer le règlement pacifique des différends internationaux.

TITRE II.—DES BONS OFFICES ET  
DE LA MÉDIATION.

ARTICLE 2.

En cas de dissentiment grave ou de conflit, avant d'en appeler aux armes, les Puissances signataires conviennent d'avoir recours, en tant que les circonstances le permettront, aux bons offices ou à la médiation d'une ou de plusieurs Puissances amies.

Sharing the opinion of the august Initiator of the International Peace Conference that it is expedient to record in an international Agreement the principles of equity and right on which are based the security of States and the welfare of peoples;

Being desirous of concluding a Convention to this effect, have appointed as their Plenipotentiaries, to wit:

[Names.]

Who, after communication of their full powers, found in good and due form have agreed on the following provisions:

TITLE I.—ON THE MAINTENANCE  
OF THE GENERAL PEACE.

ARTICLE I.

With a view to obviating, as far as possible, recourse to force in the relations between States, the Signatory Powers agree to use their best efforts to insure the pacific settlement of international differences.

TITLE II.—ON GOOD OFFICES AND  
MEDIATION.

ARTICLE II.

In case of serious disagreement or conflict, before an appeal to arms, the Signatory Powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly Powers.

## ARTICLE 3.

Indépendamment de ce recours, les Puissances signataires jugent utile qu'une ou plusieurs Puissances étrangères au conflit offrent de leur propre initiative, en tant que les circonstances s'y prêtent, leurs bons offices ou leur médiation aux Etats en conflit.

Le droit d'offrir les bons offices ou la médiation appartient aux Puissances étrangères au conflit, même pendant le cours des hostilités.

L'exercice de ce droit ne peut jamais être considéré par l'une ou l'autre des Parties en litige comme un acte pénal.

## ARTICLE 4.

Le rôle de médiateur consiste à concilier les prétentions opposées et à apaiser les ressentiments qui peuvent s'être produits entre les Etats en conflit.

## ARTICLE 5.

Les fonctions de médiateur cessent du moment où il est constaté, soit par l'une des Parties en litige, soit par le médiateur lui-même, que les moyens de conciliation proposés par lui ne sont pas acceptés.

## ARTICLE 6.

Les bons offices et la médiation, soit sur le recours des Parties en conflit, soit sur l'initiative des Puissances étrangères au conflit, ont exclusivement le caractère de conseil et n'ont jamais force obligatoire.

## ARTICLE III.

Independently of this recourse, the Signatory Powers recommend that one or more Powers, strangers to the dispute, should, on their own initiative, and as far as circumstances may allow, offer their good offices or mediation to the States at variance.

Powers, strangers to the dispute, have the right to offer good offices or mediation, even during the course of hostilities.

The exercise of this right can never be regarded by one or the other of the parties in conflict as an unfriendly act.

## ARTICLE IV.

The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the States at variance.

## ARTICLE V.

The functions of the mediator are at an end when once it is declared, either by one of the parties to the dispute, or by the mediator himself, that the means of reconciliation proposed by him are not accepted.

## ARTICLE VI.

Good offices and mediation, either at the request of the parties at variance, or on the initiative of Powers strangers to the dispute, have exclusively the character of advice and never having binding force.

## ARTICLE 7.

L'acceptation de la médiation ne peut avoir pour effet, sauf convention contraire, d'interrompre, de retarder ou d'entraver la mobilisation et autres mesures préparatoires à la guerre.

Si elle intervient après l'ouverture des hostilités, elle n'interrompt pas, sauf convention contraire, les opérations militaires en cours.

## ARTICLE 8.

Les Puissances signataires sont d'accord pour recommander l'application, dans les circonstances qui le permettent, d'une Médiation spéciale sous la forme suivante.

En cas de différend grave compromettant la Paix, les Etats en conflit choisissent respectivement une Puissance à laquelle ils confient la mission d'entrer en rapport direct avec la Puissance choisie d'autre part, à l'effet de prévenir la rupture des relations pacifiques.

Pendant la durée de ce mandat dont le terme, sauf stipulation contraire, ne peut excéder trente jours, les Etats en litige cessent tout rapport direct au sujet du conflit, lequel est considéré comme déferé exclusivement aux Puissances médiatrices. Celles-ci doivent appliquer tous leurs efforts à régler le différend.

En cas rupture effective des relations pacifiques, ces Puissances

## ARTICLE VII.

The acceptance of mediation can not, unless there be an agreement to the contrary, have the effect of interrupting, delaying, or hindering mobilization or other measures of preparation for war.

If mediation occurs after the commencement of hostilities it causes no interruption to the military operations in progress, unless there be an agreement to the contrary.

## ARTICLE VIII.

The Signatory Powers are agreed in recommending the application, when circumstances allow, of special mediation in the following form:

In case of a serious difference endangering the peace, the States at variance choose respectively a Power, to whom they intrust the mission of entering into direct communication with the Power chosen on the other side, with the object of preventing the rupture of pacific relations.

For the period of this mandate, the term of which, unless otherwise stipulated, can not exceed thirty days, the States in conflict cease from all direct communication on the subject of the dispute, which is regarded as referred exclusively to the mediating Powers, who must use their best efforts to settle it.

In case of a definite rupture of pacific relations, these Powers are

demeurent chargées de la mission commune de profiter de toute occasion pour rétablir la paix.

TITRE III.—DES COMMISSIONS INTERNATIONALES D'ENQUÊTE.

ARTICLE 9.

Dans les litiges d'ordre international n'engageant ni l'honneur ni des intérêts essentiels et provenant d'une divergence d'appréciation sur des points de fait, les Puissances signataires jugent utile que les Parties qui n'auraient pu se mettre d'accord par les voies diplomatiques instituent, en tant que les circonstances le permettront, une Commission internationale d'enquête chargée de faciliter la solution de ces litiges en éclaircissant, par un examen impartial et consciencieux, les questions de fait.

ARTICLE 10.

Les Commissions internationales d'enquête sont constituées par convention spéciale entre les Parties en litige.

La convention d'enquête précise les faits à examiner et l'étendue des pouvoirs des commissaires.

Elle règle la procédure.

L'enquête a lieu contradictoirement.

La forme et les délais à observer, en tant qu'ils ne sont pas fixés par la convention d'enquête, sont déterminés par la commission elle-même.

charged with the joint task of taking advantage of any opportunity to restore peace.

TITLE III.—ON INTERNATIONAL COMMISSIONS OF INQUIRY.

ARTICLE IX.

In differences of an international nature involving neither honour nor vital interests, and arising from a difference of opinion on points of fact, the Signatory Powers recommend that the parties who have not been able to come to an agreement by means of diplomacy, should as far as circumstances allow, institute an International Commission of Inquiry, to facilitate a solution of these differences by elucidating the facts by means of an impartial and conscientious investigation.

ARTICLE X.

The International Commissions of Inquiry are constituted by special agreement between the parties in conflict.

The Convention for an inquiry defines the facts to be examined and the extent of the Commissioners' powers.

It settles the procedure.

On the inquiry both sides must be heard.

The form and the periods to be observed, if not stated in the inquiry Convention, are decided by the Commission itself.



## ARTICLE 11.

Les Commissions internationales d'enquête sont formées, auf stipulation contraire, de la manière déterminée par l'article 32 de la présente Convention.

## ARTICLE 12.

Les Puissances en litige s'engagent à fournir à la Commission internationale d'enquête, dans la plus large mesure qu'Elles jugeront possible, tous les moyens et toutes les facilités nécessaires pour la connaissance complète et l'appréciation exacte des faits en question.

## ARTICLE 13.

La Commission internationale d'enquête présente aux Puissances en litige son rapport signé par tous les membres de la Commission.

## ARTICLE 14.

Le rapport de la Commission internationale d'enquête, limité à la constatation des faits, n'a nullement le caractère d'une sentence arbitrale. Il laisse aux Puissances en litige une entière liberté pour la suite à donner à cette constatation.

## TITRE IV.—DE L'ARBITRAGE INTERNATIONAL.

CHAPITRE I.—*De la Justice Arbitrale.*

## ARTICLE 15.

L'arbitrage international a pour objet le règlement de litiges entre

## ARTICLE XI.

The International Commissions of Inquiry are formed, unless otherwise stipulated, in the manner fixed by Article XXXII of the present convention.

## ARTICLE XII.

The powers in dispute engage to supply the International Commission of Inquiry, as fully as they may think possible, with all means and facilities necessary to enable it to be completely acquainted with and to accurately understand the facts in question.

## ARTICLE XIII.

The International Commission of Inquiry communicates its Report to the conflicting Powers, signed by all the members of the Commission.

## ARTICLE XIV.

The report of the International Commission of Inquiry is limited to a statement of facts, and has in no way the character of an Arbitral Award. It leaves the conflicting Powers entire freedom as to the effect to be given to this statement.

## TITLE IV.—ON INTERNATIONAL ARBITRATION.

CHAPTER I.—*On the System of Arbitration.*

## ARTICLE XV.

International arbitration has for its object the settlement of differ-

les Etats par des juges de leur choix et sur la base du respect du droit.

#### ARTICLE 16.

Dans les questions d'ordre juridique, et en premier lieu dans les questions d'interprétation ou d'application des conventions internationales, l'arbitrage est reconnu par les Puissances signataires comme le moyen le plus efficace et en même temps le plus équitable de régler les litiges qui n'ont pas été résolus par les voies diplomatiques.

#### ARTICLE 17.

La convention d'arbitrage est conclue pour des contestations déjà nées ou pour des contestations éventuelles.

Elle peut concerner tout litige ou seulement les litiges d'une catégorie déterminée.

#### ARTICLE 18.

La convention d'arbitrage implique l'engagement de se soumettre de bonne foi à la sentence arbitrale.

#### ARTICLE 19.

Indépendamment des traités généraux ou particuliers qui stipulent actuellement l'obligation du recours à l'arbitrage pour les Puissances signataires, ces Puissances se réservent de conclure, soit avant la ratification du présent Acte, soit postérieurement, des accords nouveaux, généraux ou particuliers, en vue d'étendre l'arbitrage obligatoire à tous les cas qu'elles jugeront possible de lui soumettre.

ences between States by judges of their own choice, and on the basis of respect for law.

#### ARTICLE XVI.

In questions of a legal nature, and especially in the interpretation or application of International Conventions, arbitration is recognized by the Signatory Powers as the most effective, and at the same time the most equitable, means of settling disputes which diplomacy has failed to settle.

#### ARTICLE XVII.

The Arbitration Convention is concluded for questions already existing or for questions which may arise eventually.

It may embrace any dispute or only disputes of a certain category.

#### ARTICLE XVIII.

The Arbitration Convention implies the engagement to submit loyally to the Award.

#### ARTICLE XIX.

Independently of general or private Treaties expressly stipulating recourse to arbitration as obligatory on the Signatory Powers, these Powers reserve to themselves the right of concluding, either before the ratification of the present Act or later, new Agreements, general or private, with a view to extending obligatory arbitration to all cases which they may consider it possible to submit to it.



CHAPITRE II.—*De la Cour Permanente d' Arbitrage.*

## ARTICLE 20.

Dans le but de faciliter le recours immédiat à l'arbitrage pour les différends internationaux qui n'ont pu être réglés par la voie diplomatique, les Puissances signataires s'engagent à organiser une Cour permanente d'arbitrage, accessible en tout temps et fonctionnant, sauf stipulation contraire des Parties, conformément aux Règles de procédure insérées dans la présente Convention.

## ARTICLE 21.

La Cour permanente sera compétente pour tous les cas d'arbitrage, à moins qu'il n'y ait entente entre les Parties pour l'établissement d'une juridiction spéciale.

## ARTICLE 22.

Un Bureau international établi à la Haye sert de greffe à la Cour.

Ce Bureau est l'intermédiaire des communications relatives aux réunions de celle-ci.

Il a la garde des archives et la gestion de toutes les affaires administratives.

Les Puissances signataires s'engagent à communiquer au Bureau international de La Haye une copie certifiée conforme de toute stipulation d'arbitrage intervenue entre elles et de toute sentence arbitrale les concernant et rendue par des juridictions spéciales.

CHAPTER II.—*On the Permanent Court of Arbitration.*

## ARTICLE XX.

With the object of facilitating an immediate recourse to arbitration for international differences, which it has not been possible to settle by diplomacy, the Signatory Powers undertake to organize a permanent Court of Arbitration, accessible at all times and operating, unless otherwise stipulated by the parties, in accordance with the Rules of Procedure inserted in the present Convention.

## ARTICLE XXI.

The Permanent Court shall be competent for all arbitration cases, unless the parties agree to institute a special Tribunal.

## ARTICLE XXII.

An International Bureau, established at The Hague, serves as record office for the Court.

This Bureau is the channel for communications relative to the meetings of the Court.

It has the custody of the archives and conducts all the administrative business.

The Signatory Powers undertake to communicate to the International Bureau at The Hague a duly certified copy of any conditions of arbitration arrived at between them, and of any award concerning them delivered by special Tribunals.

Elles s'engagent à communiquer de même au Bureau, les lois, règlements et documents constatant éventuellement l'exécution des sentences rendues par la Cour.

ARTICLE 23.

Chaque Puissance signataire désignera, dans les trois mois qui suivront la ratification par elle du présent acte, quatre personnes au plus, d'une compétence reconnue dans les questions de droit international, jouissant de la plus haute considération morale et disposées à accepter les fonctions d'arbitres.

Les personnes ainsi désignées seront inscrites, au titre de membres de la Cour, sur une liste qui sera notifiée à toutes les Puissances signataires par les soins du Bureau.

Toute modification à la liste des arbitres est portée, par les soins du Bureau, à la connaissance des Puissances signataires.

Deux ou plusieurs Puissances peuvent s'entendre pour la désignation en commun d'un ou de plusieurs membres.

La même personne peut être désignée par des Puissances différentes.

Les membres de la Cour sont nommés pour un terme de six ans. Leur mandat peut être renouvelé.

En cas de décès ou de retraite d'un membre de la Cour, il est pourvu à son remplacement selon le mode fixé pour sa nomination.

They undertake also to communicate to the Bureau the Laws, Regulations, and documents eventually showing the execution of the awards given by the Court.

ARTICLE XXIII.

Within the three months following its ratification of the present Act, each Signatory Power shall select four persons at the most, of known competency in questions of international law, of the highest moral reputation, and disposed to accept the duties of Arbitrators.

The persons thus selected shall be inscribed, as members of the Court, in a list which shall be notified by the Bureau to all the Signatory Powers.

Any alteration in the list of Arbitrators is brought by the Bureau to the knowledge of the Signatory Powers.

Two or more Powers may agree on the selection in common of one or more Members.

The same person can be selected by different Powers.

The Members of the Court are appointed for a term of six years. Their appointments can be renewed.

In case of the death or retirement of a member of the Court, his place shall be filled in accordance with the method of his appointment.

## ARTICLE 24.

Lorsque les Puissances signataires veulent s'adresser à la Cour permanente pour le règlement d'un différend survenu entre elles, le choix des arbitres appelés à former le Tribunal compétent pour statuer sur ce différend, doit être fait dans la liste générale des membres de la Cour.

A défaut de constitution du Tribunal arbitral par l'accord immédiat des Parties, il est procédé de la manière suivante:

Chaque Partie nomme deux arbitres et ceux-ci choisissent ensemble un surarbitre.

En cas de partage des voix, le choix de surarbitre est confié à une Puissance tierce, désignée de commun accord par les Parties.

Si l'accord ne s'établit pas à ce sujet, chaque Partie désigne une Puissance différente et le choix du surarbitre est fait de concert par les Puissances ainsi désignées.

Le Tribunal étant ainsi composé, les parties notifient au Bureau leur décision de s'adresser à la Cour et les noms des arbitres.

Le Tribunal arbitral se réunit à la date fixée par les Parties.

Les membres de la Cour, dans l'exercice de leurs fonctions et en dehors de leur Pays, jouissent des privilèges et immunités diplomatiques.

## ARTICLE XXIV.

When the Signatory Powers desire to have recourse to the Permanent Court for the settlement of a difference that has arisen between them, the Arbitrators called upon to form the competent Tribunal to decide this difference, must be chosen from the general list of members of the Court.

Failing the direct agreement of the parties on the composition of the Arbitration Tribunal, the following course shall be pursued:

Each party appoints two Arbitrators, and these together choose an Umpire.

If the votes are equal, the choice of the Umpire is intrusted to a third Power, selected by the parties by common accord.

If an agreement is not arrived at on this subject, each party selects a different Power, and the choice of the Umpire is made in concert by the Powers thus selected.

The Tribunal being thus composed, the parties notify to the Bureau their determination to have recourse to the Court and the names of the Arbitrators.

The Tribunal of Arbitration assembles on the date fixed by the parties.

The Members of the Court, in the discharge of their duties and out of their own country, enjoy diplomatic privileges and immunities.

## ARTICLE 25.

Le Tribunal arbitral siège d'ordinaire à la Haye.

Le siège ne peut, sauf le cas de force majeure, être chargé par le Tribunal que de l'assentiment des Parties.

## ARTICLE 26.

Le Bureau international de la Haye est autorisé à mettre ses locaux et son organisation à la disposition des Puissances signataires pour le fonctionnement de toute juridiction spéciale d'arbitrage.

La juridiction de la Cour permanente peut être étendue, dans les conditions prescrites par les Règlements, aux litiges existant entre des Puissances non signataires ou entre des Puissances signataires, et des Puissances non signataires, si les Parties sont convenues de recourir à cette juridiction.

## ARTICLE 27.

Le Puissances signataires considèrent comme un devoir, dans le cas où un conflit aigu menacerait d'éclater entre deux ou plusieurs d'entre Elles, de rappeler à celles-ci que la Cour permanente leur est ouverte.

En conséquence, Elles déclarent que le fait de rappeler aux Parties en conflit les dispositions de la présente Convention, et le conseil donné, dans l'intérêt supérieur de la paix, de s'adresser à la Cour per-

## ARTICLE XXV.

The Tribunal of Arbitration has its ordinary seat at The Hague.

Except in cases of necessity, the place of session can only be altered by the Tribunal with the assent of the parties.

## ARTICLE XXVI.

The International Bureau at The Hague is authorized to place its premises and its staff at the disposal of the Signatory Powers for the operations of any special Board of Arbitration.

The jurisdiction of the Permanent Court, may, within the conditions laid down in the Regulations, be extended to disputes between non-Signatory Powers, or between Signatory Powers and non-Signatory Powers, if the parties are agreed on recourse to this Tribunal.

## ARTICLE XXVII.

The Signatory Powers consider it their duty, if a serious dispute threatens to break out between two or more of them, to remind these latter that the Permanent Court is open to them.

Consequently, they declare that the fact of reminding the conflicting parties of the provisions of the present Convention, and the advice given to them, in the highest interests of peace, to have

manente ne peuvent être considérés que comme actes de Bons Offices.

## ARTICLE 28.

Un Conseil administratif permanent composé des représentants diplomatiques des Puissances signataires accrédités à la Haye et du Ministre des Affaires Etrangères des Pays-Bas qui remplira les fonctions de Président, sera constitué dans cette ville le plus tôt possible après la ratification du présent Acte par neuf Puissances au moins.

Ce Conseil sera chargé d'établir et d'organiser le Bureau international, lequel demeurera sous sa direction et sous son contrôle.

Il notifiera aux Puissances la constitution de la Cour et pourvoira à l'installation de celle-ci.

Il arrêtera son règlement d'ordre ainsi que tous autres règlements nécessaires.

Il décidera toutes les questions administratives qui pourraient surgir touchant le fonctionnement de la Cour.

Il aura tout pouvoir quant à la nomination, la suspension ou la révocation des fonctionnaires et employés du Bureau.

Il fixera les traitements et salaires et contrôlera la dépense générale.

La présence de cinq membres dans les réunions dûment convoquées suffit pour permettre au

recourse to the Permanent Court, can only be regarded as friendly actions.

## ARTICLE XXVIII.

A Permanent Administrative Council, composed of the Diplomatic Representatives of the Signatory Powers accredited to The Hague and of the Netherland Minister for Foreign Affairs, who will act as President, shall be instituted in this town as soon as possible after the ratification of the present Act by at least nine Powers.

This Council will be charged with the establishment and organization of the International Bureau, which will be under its direction and control.

It will notify to the Powers the constitution of the Court and will provide for its installation.

It will settle its Rules of Procedure and all other necessary Regulations.

It will decide all questions of administration which may arise with regard to the operations of the Court.

It will have entire control over the appointment, suspension or dismissal of the officials and employés of the Bureau.

It will fix the payments and salaries, and control the general expenditure.

At meetings duly summoned the presence of five members is sufficient to render valid the discus-

Conseil de délibérer valablement. Les décisions sont prises à la majorité des voix.

Le Conseil communique sans délai aux Puissances signataires les règlements adoptés par lui. Il leur adresse chaque année un rapport sur les travaux de la Cour, sur le fonctionnement des services administratifs et sur les dépenses.

#### ARTICLE 29.

Les frais du Bureau seront supportés par les Puissances signataires dans la proportion établie pour le Bureau international de l'Union postale universelle.

#### CHAPITRE III.—*De la Procédure Arbitrale.*

##### ARTICLE 30.

En vue de favoriser le développement de l'arbitrage, les Puissances signataires ont arrêté les règles suivantes qui seront applicables à la procédure arbitrale, en tant que les Parties ne sont pas convenues d'autres règles.

##### ARTICLE 31.

Les Puissances qui recourent à l'arbitrage signent un acte spécial (compromis) dans lequel sont nettement déterminés l'objet du litige ainsi que l'étendue des pouvoirs des arbitres. Cet acte implique l'engagement des Parties de se soumettre de bonne foi à la sentence arbitrale.

sions of the Council. The decisions are taken by a majority of votes.

The Council communicates to the Signatory Powers without delay the Regulations adopted by it. It furnishes them with an annual Report on the labours of the Court, the working of the administration, and the expenses.

#### ARTICLE XXIX.

The expenses of the Bureau shall be borne by the Signatory Powers in the proportion fixed for the International Bureau of the Universal Postal Union.

#### CHAPTER III.—*On Arbitral Procedure.*

##### ARTICLE XXX.

With a view to encourage the development of arbitration, the Signatory Powers have agreed on the following Rules which shall be applicable to arbitral procedure, unless other rules have been agreed on by the parties.

##### ARTICLE XXXI.

The Powers who have recourse to arbitration sign a special Act ("Compromis"), in which the subject of the difference is clearly defined, as well as the extent of the Arbitrators' powers. This Act implies the undertaking of the parties to submit loyally to the award.



## ARTICLE 32.

Les fonctions arbitrales peuvent être conférées à un arbitre unique ou à plusieurs arbitres désignés par les Parties à leur gré, ou choisis par Elles parmi les membres de la Cour permanente d'arbitrage établie par le présent Acte.

A défaut de constitution du Tribunal par l'accord immédiat des Parties, il est procédé de la manière suivante:

Chaque Partie nomme deux arbitres et ceux-ci choisissent ensemble un surarbitre.

En cas de partage des voix, le choix de surarbitre est confié à une Puissance tierce, désignée de commun accord par les Parties.

Si l'accord ne s'établit pas à ce sujet, chaque Partie désigne une Puissance différente et le choix du surarbitre est fait de concert par les Puissances ainsi désignées.

## ARTICLE 33.

Lorsqu'un Souverain ou un Chef d'Etat est choisi pour arbitre, la procédure arbitrale est réglée par Lui.

## ARTICLE 34.

Le surarbitre est de droit Président du Tribunal.

Lorsque le Tribunal ne comprend pas de surarbitre il nomme lui-même son président.

## ARTICLE 35.

En cas de décès, de démission ou d'empêchement, pour quelque

## ARTICLE XXXII.

The duties of Arbitrator may be conferred on one Arbitrator alone or on several Arbitrators selected by the parties as they please, or chosen by them from the members of the Permanent Court of Arbitration established by the present Act.

Failing the constitution of the Tribunal by direct agreement between the parties, the following course shall be pursued:

Each party appoints two arbitrators, and these latter together choose an Umpire.

In case of equal voting, the choice of the Umpire is intrusted to a third Power, selected by the parties by common accord.

If no agreement is arrived at on this subject, each party selects a different Power, and the choice of the Umpire is made in concert by the Powers thus selected.

## ARTICLE XXXIII.

When a Sovereign or the Chief of a State is chosen as Arbitrator, the arbitral procedure is settled by him.

## ARTICLE XXXIV.

The Umpire is by right President of the Tribunal.

When the Tribunal does not include an Umpire, it appoints its own President.

## ARTICLE XXXV.

In case of the death, retirement, or disability from any cause of one

cause que ce soit, de l'un des arbitres, il est pourvu à son remplacement selon le mode fixé pour sa nomination.

#### ARTICLE 36.

Le siège du Tribunal est désigné par les Parties. A défaut de cette désignation le Tribunal siège à la Haye.

Le siège ainsi fixé ne peut, sauf le cas de force majeure, être changé par le Tribunal que de l'assentiment des Parties.

#### ARTICLE 37.

Les Parties ont le droit de nommer auprès du Tribunal des délégués ou agents spéciaux, avec la mission de servir d'intermédiaires entre Elles et le Tribunal.

Elles sont en outre autorisées à charger de la défense de leurs droits et intérêts devant le Tribunal, des conseils ou avocats nommés par Elles à cet effet.

#### ARTICLE 38.

Le tribunal décide du choix des langues dont il fera usage et dont l'emploi sera autorisé devant lui.

#### ARTICLE 39.

La procédure arbitrale comprend en règle générale deux phases distinctes: l'instruction et les débats.

L'instruction consiste dans la communication faite par les agents respectifs, aux membres du Tribunal et à la Partie adverse, de tous

of the Arbitrators, his place shall be filled in accordance with the method of his appointment.

#### ARTICLE XXXVI.

The Tribunal's place of session is selected by the parties. Failing this selection the Tribunal sits at The Hague.

The place thus fixed can not, except in case of necessity, be changed by the Tribunal without the assent of the parties.

#### ARTICLE XXXVII.

The parties have the right to appoint delegates or special agents to attend the Tribunal, for the purpose of serving as intermediaries between them and the Tribunal.

They are further authorized to retain, for the defense of their rights and interests before the Tribunal, counsel or advocates appointed by them for this purpose.

#### ARTICLE XXXVIII.

The Tribunal decides on the choice of languages to be used by itself, and to be authorized for use before it.

#### ARTICLE XXXIX.

As a general rule the arbitral procedure comprises two distinct phases; preliminary examination and discussion.

Preliminary examination consists in the communication by the respective agents to the members of the Tribunal and to the oppo-



actes imprimés ou écrits et de tous documents contenant les moyens invoqués dans la cause. Cette communication aura lieu dans la forme et dans les délais déterminés par le Tribunal en vertu de l'article 49.

Les débats consistent dans le développement oral des moyens des Parties devant le Tribunal.

ARTICLE 40.

Toute pièce produite par l'une des Parties doit être communiquée à l'autre Partie.

ARTICLE 41.

Les débats sont dirigés par Président.

Ils ne sont publics qu'en vertu d'une décision du Tribunal, prise avec l'assentiment des Parties.

Ils sont consignés dans des procès-verbaux rédigés par des secrétaires que nomme le Président. Ces procès-verbaux ont seuls caractère authentique.

ARTICLE 42.

L'instruction étant close, le Tribunal a le droit d'écarter du débat tous actes ou documents nouveaux qu'une des Parties voudrait lui soumettre sans le consentement de l'autre.

ARTICLE 43.

Le Tribunal demeure libre de prendre en considération les actes ou documents nouveaux sur lesquels les agents ou conseils des Parties appelleraient son attention.

site party of all printed or written Acts and of all documents containing the arguments invoked in the case. This communication shall be made in the form and within the periods fixed by the Tribunal in accordance with Article XLIX.

Discussion consists in the oral development before the Tribunal of the arguments of the parties.

ARTICLE XL.

Every document produced by one party must be communicated to the other party.

ARTICLE XLI.

The discussions are under the direction of the President.

They are only public if it be so decided by the Tribunal, with the assent of the parties.

They are recorded in the *procès-verbaux* drawn up by the Secretaries appointed by the President. These *procès-verbaux* alone have an authentic character.

ARTICLE XLII.

When the preliminary examination is concluded, the Tribunal has the right to refuse discussion of all fresh Acts or documents which one party may desire to submit to it without the consent of the other party.

ARTICLE XLIII.

The Tribunal is free to take into consideration fresh Acts or documents to which its attention may be drawn by the agents or counsel of the parties.

En ce cas, le Tribunal a le droit de requérir la production de ces actes ou documents, sauf l'obligation d'en donner connaissance à la Partie adverse.

ARTICLE 44.

Le Tribunal peut, outre, requérir des agents des Parties la production de tous actes et demander toutes explications nécessaires. En cas de refus le Tribunal en prend acte.

ARTICLE 45.

Les agents et les conseils des Parties sont autorisés à présenter oralement au Tribunal tous les moyens qu'ils jugent utiles à la défense de leur cause.

ARTICLE 46.

Ils ont le droit de soulever des exceptions et incidents. Les décisions du Tribunal sur ces points sont définitives et ne peuvent donner lieu à aucune discussion ultérieure.

ARTICLE 47.

Les membres du Tribunal ont le droit de poser des questions aux agents et aux conseils des Parties et de leur demander des éclaircissements sur les points douteux.

Ni les questions posées, ni les observations faites par les membres du Tribunal pendant le cours des débats ne peuvent être regardées comme l'expression des opinions du Tribunal en général ou de ses membres en particulier.

In this case, the Tribunal has the right to require the production of these Acts or documents, but is obliged to make them known to the opposite party.

ARTICLE XLIV.

The Tribunal can, besides, require from the agents of the parties the production of all Acts, and can demand all necessary explanations. In case of refusal, the Tribunal takes note of it.

ARTICLE XLV.

The agents and counsel of the parties are authorized to present orally to the Tribunal all the arguments they may think expedient in defence of their case.

ARTICLE XLVI.

They have the right to raise objections and points. The decisions of the Tribunal on those points are final, and can not form the subject of any subsequent discussion.

ARTICLE XLVII.

The members of the Tribunal have the right to put questions to the agents and counsel of the parties, and to demand explanations from them on doubtful points.

Neither the questions put nor the remarks made by members of the Tribunal during the discussions can be regarded as an expression of opinion by the Tribunal in general, or by its members in particular.

## ARTICLE 48.

Le Tribunal est autorisé à déterminer sa compétence en interprétant le compromis ainsi que les autres traités qui peuvent être invoqués dans la matière, et en appliquant les principes du droit international.

## ARTICLE 49.

Le Tribunal a le droit de rendre des ordonnances de procédure pour la direction du procès, de déterminer les formes et délais dans lesquels chaque Partie devra prendre ses conclusions et de procéder à toutes les formalités que comporte l'administration des preuves.

## ARTICLE 50.

Les agents et les conseils des Parties ayant présenté tous les éclaircissements et preuves à l'appui de leur cause, le Président prononce la clôture des débats.

## ARTICLE 51.

Les délibérations du Tribunal ont lieu à huis clos. Toute décision est prise à la majorité des membres du Tribunal.

Le refus d'un membre de prendre part au vote doit être constaté dans le procès-verbal.

## ARTICLE 52.

La sentence arbitrale, votée à la majorité des voix, est motivée. Elle est rédigée par écrit et signée par chacun des membres du Tribunal.

## ARTICLE XLVIII.

The Tribunal is authorized to declare its competence in interpreting the "Compromis" as well as the other Treaties which may be invoked in the case, and in applying the principles of international law.

## ARTICLE XLIX.

The Tribunal has the right to issue Rules of Procedure for the conduct of the case, to decide the forms and periods within which each party must conclude its arguments, and to arrange all the formalities required for dealing with the evidence.

## ARTICLE L.

When the agents and counsel, of the parties have submitted all explanations and evidence in support of their case, the President pronounces the discussion closed.

## ARTICLE LI.

The deliberations of the Tribunal take place in private. Every decision is taken by a majority of members of the Tribunal.

The refusal of a member to vote must be recorded in the *procès-verbal*.

## ARTICLE LII.

The award, given by a majority of votes, is accompanied by a statement of reasons. It is drawn up in writing and signed by each member of the Tribunal.

Ceux des membres qui sont restés en minorité peuvent constater, en signant, leur dissentiment.

#### ARTICLE 53.

La sentence arbitrale est lue en séance publique du Tribunal, les agents et les conseils de Parties présents ou dûment appelés.

#### ARTICLE 54.

La sentence arbitrale, dûment prononcée et notifiée aux agents des Parties en litige décide définitivement et sans appel la contestation.

#### ARTICLE 55.

Les Parties peuvent se réserver dans le compromis de demander la revision de la sentence arbitrale.

Dans ce cas et sauf convention contraire, la demande doit être adressée au Tribunal qui a rendu la sentence. Elle ne peut être motivée que par la découverte d'un fait nouveau qui eût été de nature à exercer une influence décisive sur la sentence et qui, lors de la clôture des débats, était inconnu du tribunal lui-même et de la Partie qui a demandé la revision.

La procédure de revision ne peut être ouverte que par une décision du Tribunal constatant expressément l'existence du fait nouveau, lui reconnaissant les caractères prévus par le paragraphe précédent et déclarant à ce titre la demande recevable.

Those members who are in the minority may record their dissent when signing.

#### ARTICLE LIII.

The award is read out at a public meeting of the Tribunal, the agents and counsel of the parties being present, or duly summoned to attend.

#### ARTICLE LIV.

The award, duly pronounced and notified to the agents of the parties at variance, puts an end to the dispute definitely and without appeal.

#### ARTICLE LV.

The parties can reserve in the "Compromis" the right to demand the revision of the award.

In this case, and unless there be an agreement to the contrary, the demand must be addressed to the Tribunal which pronounced the award. It can only be made on the ground of the discovery of some new fact calculated to exercise a decisive influence on the award, and which, at the time the discussion was closed, was unknown to the Tribunal and to the party demanding the revision.

Proceedings for revision can only be instituted by a decision of the Tribunal expressly recording the existence of the new fact, recognizing in it the character described in the foregoing paragraph, and declaring the demand admissible on this ground.

Le compromis détermine le délai dans lequel la demande de revision doit être formée.

## ARTICLE 56.

La sentence arbitrale n'est obligatoire que pour les Parties qui ont conclu le compromis.

Lorsqu'il s'agit de l'interprétation d'une convention à laquelle ont participé d'autres Puissances que les Parties en litige, celles-ci notifient aux premières le compromis qu'elles ont conclu. Chacune de ces Puissances a le droit d'intervenir au procès. Si une ou plusieurs d'entre elles ont profité de cette faculté, l'interprétation contenue dans la sentence est également obligatoire à leur égard.

## ARTICLE 57.

Chaque Partie supporte ses propres frais et une part égale des frais du Tribunal.

*Dispositions générales.*

## ARTICLE 58.

La présente Convention sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à la Haye.

Il sera dressé du dépôt de chaque ratification un procès-verbal, dont une copie, certifiée conforme, sera remise par la voie diplomatique à toutes les Puissances, qui ont été représentées à la Conférence Internationale de la Paix de la Haye.

The "Compromis" fixes the period within which the demand for revision must be made.

## ARTICLE LVI.

The award is only binding on the parties who concluded the "Compromis."

When there is a question of interpreting a Convention to which Powers other than those concerned in the dispute are parties, the latter notify to the former the "Compromis" they have concluded. Each of these Powers has the right to intervene in the case. If one or more of them avail themselves of this right, the interpretation contained in the award is equally binding on them.

## ARTICLE LVII.

Each party pays its own expenses and an equal share of those of the Tribunal.

*General provisions.*

## ARTICLE LVIII.

The present Convention shall be ratified as speedily as possible.

The ratifications shall be deposited at The Hague.

A *procès-verbal* shall be drawn up recording the receipt of each ratification, and a copy duly certified shall be sent, through the diplomatic channel, to all the Powers who were represented at the International Peace Conference at The Hague.

## ARTICLE 59.

Les Puissances non signataires qui ont été représentées à la Conférence Internationale de la Paix pourront adhérer à la présente Convention. Elles auront à cet effet à faire connaître leur adhésion aux Puissances contractantes, au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances contractantes.

## ARTICLE 60.

Les conditions auxquelles les Puissances qui n'ont pas été représentées à la Conférence Internationale de la Paix, pourront adhérer à la présente Convention, formeront l'objet d'une entente ultérieure entre les Puissances contractantes.

## ARTICLE 61.

S'il arrivait qu'une des Hautes Parties contractantes dénonçât la présente Convention, cette dénonciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouvernement des Pays-Bas et communiquée immédiatement par celui-ci à toutes les autres Puissances contractantes.

Cette dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée.

En foi de quoi les, Plénipotentiaires ont signé la présente Convention et l'ont revêtue de leurs sceaux.

## ARTICLE LIX.

The non-Signatory Powers who were represented at the International Peace Conference can adhere to the present Convention. For this purpose they must make known their adhesion to the Contracting Powers by a written notification addressed to the Netherlands Government, and communicated by it to all the other Contracting Powers.

## ARTICLE LX.

The conditions on which the Powers who were not represented as the International Peace Conference can adhere to the present Convention shall form the subject of a subsequent Agreement among the Contracting Powers.

## ARTICLE LXI.

In the event of one of the High Contracting Parties denouncing the present Convention, this denunciation would not take effect until a year after its notification made in writing to the Netherlands Government, and by it communicated at once to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

In faith of which the Plenipotentiaries have signed the present Convention and affixed their seals to it.



Fait à la Haye, le vingt-neuf juillet mil huit cent quatre-vingt dix-neuf, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances contractantes.

[Signatures.]

Done at The Hague, the 29th July, 1899, in a single copy, which shall remain in the archives of the Netherlands Government, and copies of it, duly certified, be sent through the diplomatic channel to the Contracting Powers.

[Signatures.]

[The United States signed under reservation of the following declaration:

"Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political question of policy or internal administration of any foreign state; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions."]

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[TRANSLATION.]

*Convention Concernant les Loix  
et Coutumes de la Guerre sur  
Terre*

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; Sa Majesté l'Empereur d'Autriche, Roi de Bohême etc. et Roi Apostolique de Hongrie; Sa Majesté le Roi de Belges; Sa Majesté le Roi de Danemark; Sa Majesté le Roi d'Espagne et en Son Nom Sa Majesté la Reine-Régente du Royaume; le Président des Etats-Unis d'Amérique; le Président des Etats-Unis Mexicains; le Président de la République Française; Sa Majesté la Reine du Royaume-Uni de la

*Convention with respect to the Laws  
and Customs of War on Land*

His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the King of Denmark; His Majesty the King of Spain and in His Name Her Majesty the Queen Regent of the Kingdom; the President of the United States of America; the President of the United Mexican States; the President of the French Republic; Her

Grande Bretagne et d'Irlande, Impératrice des Indes; Sa Majesté le Roi des Hellènes; Sa Majesté le Roi d'Italie; Sa Majesté l'Empereur du Japon; Son Altesse Royale le Grand-Duc de Luxembourg, Duc de Nassau; Son Altesse le Prince de Monténégro; Sa Majesté la Reine des Pays-Bas; Sa Majesté Impériale le Schah de Perse; Sa Majesté le Roi de Portugal et des Algarves etc.; Sa Majesté le Roi de Roumanie; Sa Majesté l'Empereur de Toutes les Russies; Sa Majesté le Roi de Serbie; Sa Majesté le Roi de Siam; Sa Majesté le Roi de Suède et de Norvège; Sa Majesté l'Empereur des Ottomans et Son Altesse Royale le Prince de Bulgarie

Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves etc. His Majesty the King of Roumania; His Majesty the Emperor of all the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden and Norway; His Majesty the Emperor of the Ottomans and His Royal Highness the Prince of Bulgaria.

Considérant que, tout en recherchant les moyens de sauvegarder la paix et de prévenir les conflits armés entre les nations, il importe de se préoccuper également du cas où l'appel aux armes serait amené par des événements que Leur sollicitude n'aurait pu détourner;

Animés du désir de servir encore, dans cette hypothèse extrême, les intérêts de l'humanité et les exigences toujours progressives de la civilisation;

Estimant qu'il importe, à cette fin, de reviser les lois et coutumes générales de la guerre, soit dans le but de les définir avec plus de pré-

Considering that, while seeking means to preserve peace and prevent armed conflicts among nations, it is likewise necessary to have regard to cases where an appeal to arms may be caused by events which their solicitude could not avert;

Animated by the desire to serve, even in this extreme hypothesis, the interests of humanity and the ever increasing requirements of civilization;

Thinking it important, with this object, to revise the laws and general customs of war, either with the view of defining them more

cision, soit afin d'y tracer certaines limites destinées à en restreindre autant que possible les rigueurs;

S'inspirant de ces vues recommandées aujourd'hui, comme il y a vingt-cinq ans, lors de la Conférence de Bruxelles de 1874, par une sage et généreuse prévoyance;

Ont, dans cet esprit, adopté un grand nombre de dispositions qui ont pour objet définir et de régler les usages de la guerre sur terre.

Selon les vues des Hautes Parties contractantes, ces dispositions, dont la rédaction a été inspirée par le désir de diminuer les maux de la guerre, autant que les nécessités militaires le permettent, sont destinées à servir de règle générale de conduite aux belligérants, dans leurs rapports entre eux et avec les populations.

Il n'a pas été possible toutefois de concerter dès maintenant des stipulations s'étendant à toutes les circonstances qui se présentent dans la pratique.

D'autre part, il ne pouvait entrer dans les intentions des Hautes Parties Contractantes que les cas non prévus fussent, faute de stipulation écrite, laissées à l'appréciation arbitraire de ceux qui dirigent les armées.

En attendant qu'un code plus complet des lois de la guerre puisse être édicté, les Hautes Parties Contractantes jugent opportun de constater que, dans les cas non

precisely, or of laying down certain limits for the purpose of modifying their severity as far as possible;

Inspired by these views which are enjoined at the present day, as they were twenty-five years ago at the time of the Brussels Conference in 1874, by a wise and generous foresight;

Have, in this spirit, adopted a great number of provisions, the object of which is to define and govern the usages of war on land.

In view of the High Contracting Parties, these provisions, the wording of which has been inspired by the desire to diminish the evils of war so far as military necessities permit, are destined to serve as general rules of conduct for belligerents in their relations with each other and with populations.

It has not, however, been possible to agree forthwith on provisions embracing all the circumstances which occur in practice.

On the other hand, it could not be intended by the High Contracting Parties that the cases not provided for should, for want of a written provision, be left to the arbitrary judgment of the military Commanders.

Until a more complete code of the laws of war is issued, the High Contracting Parties think it right to declare that in cases not included in the Regulations adopted by

compris dans les dispositions réglementaires adoptées par Elles, les populations et les belligérants restent sous la sauvegarde et sous l'empire des principes du droit des gens, tels qu'ils résultent des usages établis entre nations civilisées, des lois de l'humanité et des exigences de la conscience publique.

Elles déclarent que c'est dans ce sens que doivent s'entendre notamment les articles un et deux du Règlement adopté;

Les Hautes Parties contractantes désirant conclure une Convention à cet effet ont nommé pour Leurs plénipotentiaires, savoir:

[Noms]

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de ce qui suit:

ARTICLE 1.

Les Hautes Parties contractantes donneront à leurs forces armées de terre des instructions qui seront conformes au *Règlement concernant les lois et coutumes de la guerre sur terre*, annexé à la présente Convention.

ARTICLE 2.

Les dispositions contenues dans le Règlement visé à l'article premier ne sont obligatoires que pour les Puissances contractantes, en cas de guerre entre deux ou plusieurs d'entre elles.

them, populations and belligerents remain under the protection and empire of the principles of international law, as they result from the usages established between civilized nations, from the laws of humanity, and the requirements of the public conscience;

They declare that it is in this sense especially that Articles I and II of the Regulations adopted must be understood;

The High Contracting Parties, desiring to conclude a Convention to this effect, have appointed as their Plenipotentiaries, to wit:

[Names]

Who, after communication of their full powers, found in good and due form, have agreed on the following:

ARTICLE I.

The High Contracting Parties shall issue instructions to their armed land forces, which shall be in conformity with the "Regulations respecting the Laws and Customs of War on Land" annexed to the present Convention.

ARTICLE II.

The provisions contained in the Regulation mentioned in Article I are only binding on the Contracting Powers, in case of war between two or more of them.

Ces dispositions cesseront d'être obligatoires du moment où, dans une guerre entre des Puissances contractantes, une Puissance non contractante se joindrait à l'un des belligérants.

## ARTICLE 3.

La présente Convention sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à la Haye.

Il sera dressé du dépôt de chaque ratification un *procès-verbal*, dont une copie, certifiée conforme, sera remise par la voie diplomatique à toutes les Puissances contractantes.

## ARTICLE 4.

Les Puissances non signataires sont admises à adhérer à la présente Convention.

Elles auront, à cet effet, à faire connaître leur adhésion aux Puissances contractantes, au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances contractantes.

## ARTICLE 5.

S'il arrivait qu'une des Hautes Parties contractantes dénonçât la présente Convention, cette dénonciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouvernement des Pays-Bas et communiquée immé-

These provisions shall cease to be binding from the time when, in a war between Contracting Powers a non-Contracting Power joins one of the belligerents.

## ARTICLE III.

The present Convention shall be ratified as speedily as possible.

The ratification shall be deposited at the Hague.

A *procès-verbal* shall be drawn up recording the receipt of each ratification, and a copy, duly certified, shall be sent through the diplomatic channel, to all the Contracting Powers.

## ARTICLE IV.

Non-Signatory Powers are allowed to adhere to the present Convention.

For this purpose they must make their adhesion known to the Contracting Powers by means of a written notification, addressed to the Netherland Government, and by it communicated to all the other Contracting Powers.

## ARTICLE V.

In the event of one of the High Contracting Parties denouncing the present Convention, such denunciation would not take effect until a year after the written notification made to the Netherland Government, and by it at once

diatement par celui-ci à toutes les autres Puissances contractantes.

Cette dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée.

En foi de quoi, les plénipotentiaires ont signé la présente Convention et l'ont revêtue de leurs cachets.

Fait à la Haye, le vingt neuf juillet mil huit cent quatre-vingt dix-neuf, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances contractantes.

communicated to all the other Contracting Powers.

This denunciation shall affect only the notifying Power.

In faith of which the Plenipotentiaries have signed the present Convention and affixed their seals thereto.

Done at the Hague the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherlands Government, and copies of which, duly certified, shall be delivered to the Contracting Powers through the diplomatic channel.

[TRANSLATION]

ANNEXE.

*Règlement Concernant les Lois et Coutumes de la Guerre sur Terre*

SECTION I.—DES BELLIGÉRANTS.

CHAPITRE I.—*De la qualité de belligérant.*

ARTICLE I.

Les lois, les droits et les devoirs de la guerre ne s'appliquent pas seulement à l'armée, mais encore aux milices et aux corps de volontaires réunissant les conditions suivantes:

1. d'avoir à leur tête une personne responsable pour ses subordonnés;
2. d'avoir un signe distinctif fixe et reconnaissable à distance;

ANNEX TO THE CONVENTION

*Regulations Respecting the Laws and Customs of War on Land*

SECTION I.—ON BELLIGERENTS.

CHAPTER I.—*On the Qualifications of Belligerents*

ARTICLE I.

The laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps, fulfilling the following conditions:

1. To be commanded by a person responsible for his subordinates;
2. To have a fixed distinctive emblem recognizable at a distance;



3. de porter les armes ouvertement et

4. de se conformer dans leurs opérations aux lois et coutumes de la guerre.

Dans les pays où les milices ou des corps de volontaires constituent l'armée ou en font partie, ils sont compris sous la dénomination d'armée.

#### ARTICLE 2.

La population d'un territoire non occupé qui, à l'approche de l'ennemi, prend spontanément les armes pour combattre les troupes d'invasion sans avoir eu le temps de s'organiser conformément à l'article premier, sera considérée comme belligérante si elle respecte les lois et coutumes de la guerre.

#### ARTICLE 3.

Les forces armées des parties belligérantes peuvent se composer de combattants et de non-combattants. En cas de capture par l'ennemi, les uns et les autres ont droit au traitement des prisonniers de guerre.

#### CHAPITRE II.—*Des prisonniers de guerre.*

##### ARTICLE 4.

Les prisonniers de guerre sont au pouvoir du Gouvernement ennemi, mais non des individus ou des corps qui les ont capturés.

3. To carry arms openly; and

4. To conduct their operations in accordance with the laws and customs of war.

In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination "army."

#### ARTICLE II.

The population of a territory which has not been occupied who, on the enemy's approach, spontaneously take up arms to resist the invading troops without having time to organize themselves in accordance with Article I, shall be regarded a belligerent if they respect the laws and customs of war.

#### ARTICLE III.

The armed forces of the belligerent parties may consist of combatants and non-combatants. In case of capture by the enemy both have a right to be treated as prisoners of war.

#### CHAPTER II.—*On Prisoners of War.*

##### ARTICLE IV.

Prisoners of war are in the power of the hostile Government, but not in that of the individuals or corps who captured them.

Ils doivent être traités avec humanité.

Tout ce qui leur appartient personnellement, excepté les armes, les chevaux et les papiers militaires, reste leur propriété.

ARTICLE 5.

Les prisonniers de guerre peuvent être assujettis à l'internement dans une ville, forteresse, camp ou localité quelconque, avec obligation de ne pas s'en éloigner au delà de certaines limites déterminées; mais ils ne peuvent être enfermés que par mesure de sûreté indispensable.

ARTICLE 6.

L'Etat peut employer, comme travailleurs, les prisonniers de guerre, selon leur grade et leurs aptitudes. Ces travaux ne seront pas excessifs et n'auront aucun rapport avec les opérations de la guerre.

Les prisonniers peuvent être autorisés à travailler pour le compte d'administrations publiques ou de particuliers, ou pour leur propre compte.

Les travaux faits pour l'Etat sont payés d'après les tarifs en vigueur pour les militaires de l'armée nationale exécutant les mêmes travaux.

Lorsque les travaux ont lieu pour le compte d'autres administrations publiques ou pour des particuliers, les conditions en sont réglées d'accord avec l'autorité militaire.

They must be humanely treated.

All their personal belongings, except arms, horses, and military papers remain their property.

ARTICLE V.

Prisoners of war may be interned in a town, fortress, camp, or any other locality, and bound not to go beyond certain fixed limits; but they can only be confined as an indispensable measure of safety.

ARTICLE VI.

The State may utilize the labor of prisoners of war according to their rank and aptitude. Their tasks shall not be excessive, and shall have nothing to do with the military operations.

Prisoners may be authorized to work for the Public Service, for private persons, or on their own account.

Work done for the State shall be paid for according to the tariffs in force for soldiers of the national army employed on similar tasks.

When the work is for other branches of the Public Service or for private persons, the conditions shall be settled in agreement with the military authorities.

Le salaire des prisonniers contribuera à adoucir leur position, et le surplus leur sera compté au moment de leur libération, sauf défalcation des frais d'entretien.

## ARTICLE 7.

Le Gouvernement au pouvoir duquel se trouvent les prisonniers de guerre est chargé de leur entretien.

A défaut d'une entente spéciale entre les belligérants, les prisonniers de guerre seront traités, pour la nourriture, le couchage et l'habillement, sur le même pied que les troupes du Gouvernement qui les aura capturés.

## ARTICLE 8.

Les prisonniers de guerre seront soumis aux lois, règlements, et ordres en vigueur dans l'armée de l'Etat au pouvoir duquel ils se trouvent. Tout acte d'insubordination autorise, à leur égard, les mesures de rigueur nécessaires.

Les prisonniers évadés, qui seraient repris avant d'avoir pu rejoindre leur armée ou avant de quitter le territoire occupé par l'armée qui les aura capturés, sont passibles de peines disciplinaires.

Les prisonniers qui, après avoir réussi à s'évader, sont de nouveau faits prisonniers, ne sont passibles d'aucune peine pour la fuite antérieure.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them at the time of their release, after deducting the cost of their maintenance.

## ARTICLE VII.

The Government into whose hands prisoners of war have fallen is bound to maintain them.

Failing a special agreement between the belligerents, prisoners of war shall be treated as regards food, quarters, and clothing, on the same footing as the troops of the Government which has captured them.

## ARTICLE VIII.

Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the State into whose hands they have fallen. Any act of insubordination warrants the adoption, as regards them, of such measures of severity as may be necessary.

Escaped prisoners, recaptured before they have succeeded in rejoining their army, or before quitting the territory occupied by the army that captured them, are liable to disciplinary punishment.

Prisoners who, after succeeding in escaping are again taken prisoners, are not liable to any punishment for the previous flight.

## ARTICLE 9.

Chaque prisonnier de guerre est tenu de déclarer, s'il est interrogé à ce sujet, ses véritables noms et grade et, dans le cas où il enfreindrait cette règle, il s'exposerait à une restriction des avantages accordés aux prisonniers de guerre de sa catégorie.

## ARTICLE 10.

Les prisonniers de guerre peuvent être mis en liberté sur parole, si les lois de leur pays les y autorisent, et, en pareil cas, ils sont obligés, sous la garantie de leur honneur personnel, de remplir scrupuleusement, tant vis-à-vis de leur propre Gouvernement que vis-à-vis de celui qui les a faits prisonniers, les engagements qu'ils auraient contractés.

Dans le même cas, leur propre Gouvernement est tenu de n'exiger ni accepter d'eux aucun service contraire à la parole donnée.

## ARTICLE 11.

Un prisonnier de guerre ne peut être contraint d'accepter sa liberté sur parole; de même le Gouvernement ennemi n'est pas obligé d'accéder à la demande du prisonnier réclamant sa mise en liberté sur parole.

## ARTICLE 12.

Tout prisonnier de guerre, libéré sur parole et repris portant les armes contre le Gouvernement envers lequel il s'était engagé d'honneur, ou contre les alliés de

## ARTICLE IX.

Every prisoner of war, if questioned, is bound to declare his true name and rank, and if he disregards this rule, he is liable to a curtailment of the advantages accorded to the prisoners of war of his class.

## ARTICLE X.

Prisoners of war may be set at liberty on parole if the laws of their country authorize it, and, in such a case, they are bound, on their personal honour, scrupulously to fulfill, both as regards their own Government and the Government by whom they were made prisoners, the engagements they have contracted.

In such cases, their own Government shall not require of nor accept from them any service incompatible with the parole given.

## ARTICLE XI.

A prisoner of war can not be forced to accept his liberty on parole; similarly the hostile Government is not obliged to assent to the prisoner's request to be set at liberty on parole.

## ARTICLE XII.

Any prisoner of war, who is liberated on parole and recaptured, bearing arms against the Government to whom he had pledged his honour, or against the allies of that

celui-ci, perd le droit au traitement des prisonniers de guerre et peut être traduit devant les tribunaux.

## ARTICLE 13.

Les individus qui suivent une armée sans en faire directement partie, tels que les correspondants et les reporters de journaux, les vivandiers, les fournisseurs, qui tombent au pouvoir de l'ennemi et que celui-ci juge utile de détenir, ont droit au traitement des prisonniers de guerre, à condition qu'ils soient munis d'une légitimation de l'autorité militaire de l'armée qu'ils accompagnaient.

## ARTICLE 14.

Il est constitué, dès le début des hostilités dans chacun des Etats belligérants et, le cas échéant, dans les pays neutres qui auront recueilli des belligérants sur leur territoire un Bureau de renseignements sur les prisonniers de guerre. Ce bureau, chargé de répondre à toutes les demandes qui les concernent, reçoit des divers services compétents toutes les indications nécessaires pour lui permettre d'établir une fiche individuelle pour chaque prisonnier de guerre. Il est tenu au courant des internements et des mutations, ainsi que des entrées dans les hôpitaux et des décès.

Le Bureau de renseignements est également chargé de recueillir et de centraliser tous les objets d'un usage personnel, valeurs, let-

Government, forfeits his right to be treated as a prisoner of war, and can be brought before the Courts.

## ARTICLE XIII.

Individuals who follow an army without directly belonging to it, such as newspaper correspondents and reporters, sutlers, contractors, who fall into the enemy's hands, and whom the latter think fit to detain, have a right to be treated as prisoners of war, provided they can produce a certificate from the military authorities of the army they were accompanying.

## ARTICLE XIV.

A Bureau for information relative to prisoners of war is instituted, on the commencement of hostilities, in each of the belligerent States, and, when necessary, in the neutral countries on whose territory belligerents have been received. This Bureau is intended to answer all inquiries about prisoners of war, and is furnished by the various services concerned with all the necessary information to enable it to keep an individual return for each prisoner of war. It is kept informed of internments and changes, as well as of admissions into hospital and deaths.

It is also the duty of the Information Bureau to receive and collect all objects of personal use, valuables, letters, etc., found on

tres, etc., qui seront trouvés sur les champs de bataille ou délaissés par des prisonniers décédés dans les hôpitaux et ambulances, et de les transmettre aux intéressés.

#### ARTICLE 15.

Les sociétés de secours pour les prisonniers de guerre, régulièrement constituées selon la loi de leur pays et ayant pour objet d'être les intermédiaires de l'action charitable, recevront, de la part des belligérants, pour elles et pour leurs agents dûment accrédités, toute facilité, dans les limites tracées par les nécessités militaires et les règles administratives, pour accomplir efficacement leur tâche d'humanité. Les délégués de ces sociétés pourront être admis à distribuer des secours dans les dépôts d'internement, ainsi qu'aux lieux d'étape des prisonniers rapatriés, moyennant une permission personnelle délivrée par l'autorité militaire, et en prenant l'engagement par écrit de se soumettre à toutes les mesures d'ordre et de police que celle-ci prescrirait.

#### ARTICLE 16.

Les Bureaux de renseignements jouissent de la franchise de port. Les lettres, mandats et articles d'argent, ainsi que les colis postaux destinés aux prisonniers de guerre ou expédiés par eux, seront affranchis de toutes taxes postales, aussi bien dans les pays d'origine et de destination que dans les pays intermédiaires.

the battlefields or left by prisoners who have died in hospital or ambulance, and to transmit them to those interested.

#### ARTICLE XV.

Relief Societies for prisoners of war, which are regularly constituted in accordance with the law of the country with the object of serving as the intermediary for charity, shall receive from the belligerents for themselves and their duly accredited agents every facility, within the bounds of military requirements and Administrative Regulations, for the effective accomplishment of their humane task. Delegates of these Societies may be admitted to the places of interment for the distribution of relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by the military authorities, and on giving an engagement in writing to comply with all their Regulations for order and police.

#### ARTICLE XVI.

The Information Bureau shall have the privilege of free postage. Letters, money orders, and valuables, as well as postal parcels destined for the prisoners of war or dispatched by them, shall be free of all postal duties both in the countries of origin and destination, as well as in those they pass through.



Les dons et secours en nature destinés aux prisonniers de guerre seront admis en franchise de tous droits d'entrée et autres, ainsi que des taxes de transport sur les chemins de fer exploités par l'Etat.

## ARTICLE 17.

Les officiers prisonniers pourront recevoir le complément, s'il y a lieu, de la solde qui leur est attribuée dans cette situation par les règlements de leur pays, à charge de remboursement par leur Gouvernement.

## ARTICLE 18.

Toute latitude est laissée aux prisonniers de guerre pour l'exercice de leur religion, y compris l'assistance aux offices de leur culte, à la seule condition de se conformer aux mesures d'ordre et de police prescrites par l'autorité militaire.

## ARTICLE 19.

Les testaments des prisonniers de guerre sont reçus ou dressés dans les mêmes conditions que pour les militaires de l'armée nationale.

On suivra également les mêmes règles en ce qui concerne les pièces relatives à la constatation des décès, ainsi que pour l'inhumation des prisonniers de guerre, en tenant compte de leur grade et de leur rang.

Gifts and relief in kind for prisoners of war shall be admitted free of all duties of entry and others, as well as of payments for carriage by the Government railways.

## ARTICLE XVII.

Officers taken prisoners may receive, if necessary, the full pay allowed them in this position by their country's regulations, the amount to be repaid by their Government.

## ARTICLE XVIII.

Prisoners of war shall enjoy every latitude in the exercise of their religion, including attendance at their own church services, provided only they comply with the regulations for order and police issued by the military authorities.

## ARTICLE XIX.

The wills of prisoners of war are received or drawn up on the same conditions as for soldiers of the National Army.

The same rules shall be observed regarding death certificates, as well as for the burial of prisoners of war, due regard being paid to their grade and rank.

## ARTICLE 20.

Après la conclusion de la paix, le rapatriement des prisonniers de guerre s'effectuera dans le plus bref délai possible.

CHAPITRE III.—*Des malades et des blessés.*

## ARTICLE 21.

Les obligations des belligérants concernant le service des malades et des blessés sont régies par la Convention de Genève du 22 août 1864, sauf les modifications dont celle-ci pourra être l'objet.

## SECTION II.—DES HOSTILITÉS.

CHAPITRE I.—*Des moyens de nuire à l'ennemi, des sièges et des bombardements.*

## ARTICLE 22.

Les belligérants n'ont pas un droit illimité quant au choix des moyens de nuire à l'ennemi.

## ARTICLE 23.

Outre les prohibitions établies par des conventions spéciales, il est notamment *interdit*:

- a. d'employer du poison ou des armes empoisonées;
- b. de tuer ou de blesser par trahison des individus appartenant à la nation ou à l'armée ennemie;
- c. de tuer ou de blesser un ennemi qui, ayant mis bas les armes ou n'ayant plus les moyens de se défendre, s'est rendu à discrétion;

## ARTICLE XX.

After the conclusion of peace, the repatriation of prisoners of war shall take place as speedily as possible.

CHAPTER III.—*On the Sick and Wounded.*

## ARTICLE XXI.

The obligations of belligerents with regard to the sick and wounded are governed by the Geneva Convention of the 22d August, 1864, subject to any modifications which may be introduced into it.

## SECTION II.—ON HOSTILITIES.

CHAPTER I.—*On means of Injuring the Enemy, Sieges, and Bombardments.*

## ARTICLE XXII.

The right of belligerents to adopt means of injuring the enemy is not unlimited.

## ARTICLE XXIII.

Besides the prohibitions provided by special Conventions, it is especially prohibited:

- a. To employ poison or poisoned arms;
- b. To kill or wound treacherously individuals belonging to the hostile nation or army;
- c. To kill or wound an enemy who, having laid down arms, or having no longer means of defence, has surrendered at discretion;

d. de déclarer qu'il ne sera pas fait de quartier;

e. d'employer des armes, des projectiles ou des matières propres à causer des maux superflus;

f. d'user indûment du pavillon parlementaire, du pavillon national ou des insignes militaires et de l'uniforme de l'ennemi, ainsi que des signes distinctifs de la Convention de Genève;

g. de détruire ou de saisir des propriétés ennemies, sauf les cas où ces destructions ou ces saisies seraient impérieusement commandées par les nécessités de la guerre.

#### ARTICLE 24.

Les ruses de guerre et l'emploi des moyens nécessaires pour se procurer des renseignements sur l'ennemi et sur le terrain sont considérés comme *licites*.

#### ARTICLE 25.

Il est interdit d'attaquer ou de bombarder des villes, villages, habitations ou bâtiments qui ne sont pas défendus.

#### ARTICLE 26.

Le commandant des troupes assaillantes, avant d'entreprendre le bombardement, et sauf le cas s'attaque de vive force, devra faire tout ce qui dépend de lui pour en avertir les autorités.

#### ARTICLE 27.

Dans les sièges et bombardements, toutes les mesures nécessaires doivent être prises pour épargner, autant que possible, les

d. To declare that no quarter will be given;

e. To employ arms, projectiles, or material of a nature to cause superfluous injury;

f. To make improper use of a flag of truce, the national flag, or military ensigns and the enemy's uniform, as well as the distinctive badges of the Geneva Convention;

g. To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war.

#### ARTICLE XXIV.

Ruses of war and the employment of methods necessary to obtain information about the enemy and the country, are considered allowable.

#### ARTICLE XXV.

The attack or bombardment of towns, villages, habitations or buildings which are not defended, is prohibited.

#### ARTICLE XXVI.

The Commander of an attacking force, before commencing a bombardment, except in the case of an assault, should do all he can to warn the authorities.

#### ARTICLE XXVII.

In sieges and bombardments all necessary steps should be taken to spare as far as possible edifices devoted to religion, art, science,

édifices consacrés aux cultes, aux arts, aux sciences et à la bienfaisance, les hôpitaux et les lieux de rassemblement de malades et de blessés, à condition qu'ils ne soient pas employés en même temps à un but militaire.

Le devoir des assiégés est de désigner ces édifices ou lieux de rassemblement par des signes visibles spéciaux qui seront notifiés d'avance à l'assiégeant.

#### ARTICLE 28.

Il est interdit de livrer au pillage même une ville ou localité prise d'assaut.

#### CHAPITRE II.—*Des espions.*

##### ARTICLE 29.

Ne peut être considéré comme espion quel individu qui, agissant clandestinement ou sous de faux prétextes, recueille ou cherche à recueillir des informations dans la zone d'opérations d'un belligérant, avec l'intention de les communiquer à la partie adverse.

Ainsi les militaires non déguisés qui ont pénétré dans la zone d'opérations de l'armée ennemie, à l'effet de recueillir des informations, ne sont pas considérés comme espions. De même, ne sont pas considérés comme espions: les militaires et les non-militaires, accomplissant ouvertement leur mission, chargés de transmettre de dépêches destinées soit à leur propre armée, soit à l'armée ennemie. A cette caté-

and charity, hospitals, and places where the sick and wounded are collected, provided they are not used at the same time for military purposes.

The besieged should indicate these buildings or places by some particular and visible signs, which should previously be notified to the assailants.

#### ARTICLE XXVIII.

The pillage of a town or place, even when taken by assault, is prohibited.

#### CHAPTER II.—*On Spies.*

##### ARTICLE XXIX.

An individual can only be considered a spy if, acting clandestinely, or on false pretences, he obtains, or seeks to obtain information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party.

Thus, soldiers not in disguise who have penetrated into the zone of operations of a hostile army to obtain information are not considered spies. Similarly, the following are not considered spies: soldiers or civilians, carrying out their mission openly, charged with the delivery of despatches destined either for their own army or for that of the enemy. To this class belong likewise individuals sent in

gorie appartiennent également les individus envoyés en ballon pour transmettre les dépêches, et, en général, pour entretenir les communications entre les diverses parties d'une armée ou d'un territoire.

## ARTICLE 30.

L'espion pris sur le fait ne pourra être puni sans jugement préalable.

## ARTICLE 31.

L'espion qui, ayant rejoint l'armée à laquelle il appartient, est capturé plus tard par l'ennemi, est traité comme prisonnier de guerre et n'encourt aucune responsabilité pour ses actes d'espionnage antérieurs.

CHAPITRE III.—*Des parlementaires.*

## ARTICLE 32.

Est considéré comme parlementaire l'individu autorisé par l'un des belligérants à entrer en pourparlers avec l'autre et se présentant avec le drapeau blanc. Il a droit à l'inviolabilité ainsi que la trompette, clairon ou tambour, le porte-drapeau et l'interprète qui l'accompagneraient.

## ARTICLE 33.

Le Chef auquel un parlementaire est expédié n'est obligé de le recevoir en toutes circonstances.

Il peut prendre toutes les mes-

balloons to deliver despatches, and generally to maintain communication between the various parts of an army or a territory.

## ARTICLE XXX.

A spy taken in the act cannot be punished without previous trial.

## ARTICLE XXXI.

A spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is treated as a prisoner of war, and incurs no responsibility for his previous acts of espionage.

CHAPTER III.—*On Flags of Truce.*

## ARTICLE XXXII.

An individual is considered as bearing a flag of truce who is authorized by one of the belligerents to enter into communication with the other, and who carries a white flag. He has a right to inviolability, as well as the trumpeter, bugler, or drummer, the flagbearer, and the interpreter who may accompany him.

## ARTICLE XXXIII.

The Chief to whom a flag of truce is sent is not obliged to receive it in all circumstances.

He can take all steps necessary

ures nécessaires afin d'empêcher le parlementaire de profiter de sa mission pour se renseigner.

Il a le droit, en cas d'abus de retenir temporairement le parlementaire.

to prevent the envoy taking advantage of his mission to obtain information.

In case of abuse, he has the right to detain the envoy temporarily.

#### ARTICLE 34.

Le parlementaire perd ses droits d'inviolabilité, s'il est prouvé, d'une manière positive et irrécusable, qu'il a profité de sa position privilégiée pour provoquer ou commettre un acte de trahison.

#### ARTICLE XXXIV.

The envoy loses his rights of inviolability if it is proved beyond doubt that he has taken advantage of his privileged position to provoke or commit an act of treachery.

#### CHAPITRE IV.—*Des capitulations.*

#### CHAPTER IV.—*On Capitulations.*

#### ARTICLE 35.

Les capitulations arrêtées entre les parties contractantes doivent tenir compte des règles de l'honneur militaire.

Une fois fixées, elles doivent être scrupuleusement observées par les deux parties.

#### ARTICLE XXXV.

Capitulations agreed on between the Contracting Parties must be in accordance with the rules of military honour.

When once settled, they must be scrupulously observed by both the parties.

#### CHAPITRE V.—*De l'armistice.*

#### CHAPTER V.—*On Armistices.*

#### ARTICLE 36.

L'armistice suspend les opérations de guerre par un accord mutuel des parties belligérants. Si la durée n'en est pas déterminée, les parties belligérants peuvent reprendre en tout temps les opérations, pourvu toutefois que l'ennemi soit averti en temps convenu, conformément aux conditions de l'armistice.

#### ARTICLE XXXVI.

An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not fixed, the belligerent parties can resume operations at any time, provided always the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.



## ARTICLE 37.

L'armistice peut être général ou local. Le premier suspend partout les opérations de guerre des Etats belligérants; le second, seulement entre certaines fractions des armées belligérants et dans un rayon déterminé.

## ARTICLE 38.

L'armistice doit être notifié officiellement et en temps utile aux autorités compétentes et aux troupes. Les hostilités sont suspendues immédiatement après la notification ou au terme fixé.

## ARTICLE 39.

Il dépend des parties contractantes de fixer, dans les clauses de l'armistice, les rapports qui pourraient avoir lieu, sur le théâtre de la guerre, avec les populations et entre elles.

## ARTICLE 40.

Toute violation grave de l'armistice, par l'une des parties, donne à l'autre le droit de le dénoncer et même, en cas d'urgence, de reprendre immédiatement les hostilités.

## ARTICLE 41.

La violation des clauses de l'armistice, par des particuliers agissant de leur propre initiative, donne droit seulement à réclamer la punition des coupables et, s'il y a lieu, une indemnité pour les pertes éprouvées.

## ARTICLE XXXVII.

An armistice may be general or local. The first suspends all military operations of the belligerent States; the second, only those between certain fractions of the belligerent armies and in a fixed radius.

## ARTICLE XXXVIII.

An armistice must be notified officially, and in good time, to the competent authorities and the troops. Hostilities are suspended immediately after the notification, or at a fixed date.

## ARTICLE XXXIX.

It is for the Contracting Parties to settle, in the terms of the armistice, what communications may be held, on the theater of war, with the population and with each other.

## ARTICLE XL.

Any serious violation of the armistice by one of the parties gives the other party the right to denounce it, and even, in case of urgency, to recommence hostilities at once.

## ARTICLE XLI.

A violation of the terms of the armistice by private individuals acting on their own initiative, only confers the right of demanding the punishment of the offenders, and, if necessary, indemnity for the losses sustained.

SECTION III.—DE L'AUTORITÉ  
MILITAIRE SUR LE TERRITOIRE  
DE L'ÉTAT ENNEMI.

ARTICLE 42.

Un territoire est considéré comme occupé lorsqu'il se trouve placé de fait sous l'autorité de l'armée ennemie.

L'occupation ne s'étend qu'aux territoires où cette autorité est établie et en mesure de s'exercer.

ARTICLE 43.

L'autorité du pouvoir légal ayant passé de fait entre les mains de l'occupant, celui-ci prendra toutes les mesures qui dépendent de lui en vue de rétablir et d'assurer, autant qu'il est possible, l'ordre et la vie publiques en respectant, sauf empêchement absolu, les lois en vigueur dans le pays.

ARTICLE 44.

Il est interdit de forcer la population d'un territoire occupé à prendre part aux opérations militaires contre son propre pays.

ARTICLE 45.

Il est interdit de contraindre la population d'un territoire occupé à prêter serment à la puissance ennemie.

ARTICLE 46.

L'honneur et les droits de la famille, la vie des individus et la propriété privée, ainsi que les convictions religieuses et l'exercice des cultes, doivent être respectés.

SECTION III.—ON MILITARY AUTHORITY OVER HOSTILE TERRITORY.

ARTICLE XLII.

Territory is considered occupied when it is actually placed under the authority of the hostile army.

The occupation applies only to the territory where such authority is established, and in a position to assert itself.

ARTICLE XLIII.

The authority of the legitimate power having actually passed into the hands of the occupant, the latter shall take all steps in his power to re-establish and insure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

ARTICLE XLIV.

Any compulsion of the population of occupied territory to take part in military operations against its own country is prohibited.

ARTICLE XLV.

Any pressure on the population of occupied territory to take the oath to the hostile Power is prohibited.

ARTICLE XLVI.

Family honours and rights, individual lives and private property, as well as religious convictions and liberty, must be respected.

La propriété privée ne peut pas être confisquée.

Private property cannot be confiscated.

ARTICLE 47.

Le pillage est formellement interdit.

ARTICLE XLVII.

Pillage is formally prohibited.

ARTICLE 48.

Si l'occupant prélève, dans le territoire occupé, les impôts, droits et péages établis au profit de l'Etat, il le fera, autant que possible, d'après les règles de l'assiette et de la répartition en vigueur, et il en résultera pour lui l'obligation de pourvoir aux frais de l'administration du territoire occupé dans la mesure où le Gouvernement légal y était tenu.

ARTICLE XLVIII.

If, in the territory occupied, the occupant collects the taxes, dues, and tolls imposed for the benefit of the State, he shall do it, as far as possible, in accordance with the rules in existence and the assessment in force, and will in consequence be bound to defray the expenses of the administration of the occupied territory on the same scale as that by which the legitimate Government was bound.

ARTICLE 49.

Si, en dehors des impôts visés à l'article précédent, l'occupant prélève d'autres contributions en argent dans le territoire occupé, ce ne pourra être que pour les besoins de l'armée ou de l'administration de ce territoire.

ARTICLE XLIX.

If, besides the taxes mentioned in the preceding Article, the occupant levies other money taxes in the occupied territory, this can only be for military necessities or the administration of such territory.

ARTICLE 50.

Aucune peine collective, pécuniaire ou autre, ne pourra être édictée contre les populations à raison de faits individuels dont elles ne pourraient être considérées comme solidairement responsables.

ARTICLE L.

No general penalty, pecuniary or otherwise, can be inflicted on the population on account of the acts of individuals for which it cannot be regarded as collectively responsible.

ARTICLE 51.

Aucune contribution ne sera perçue qu'en vertu d'un ordre

ARTICLE LI.

No tax shall be collected except under a written order and on the

écrit et sous la responsabilité d'un général en chef.

Il ne sera procédé, autant que possible, à cette perception que d'après les règles de l'assiette et de la répartition des impôts en vigueur.

Pour toute contribution un reçu sera délivré aux contribuables.

#### ARTICLE 52.

Des réquisitions en nature et des services ne pourront être réclamés des communes ou des habitants, que pour les besoins de l'armée d'occupation. Ils seront en rapport avec les ressources du pays et de telle nature qu'ils n'impliquent pas pour les populations l'obligation de prendre part aux opérations de la guerre contre leur patrie.

Ces réquisitions et ces services ne seront réclamés qu'avec l'autorisation du commandant dans la localité occupée.

Les prestations en nature seront, autant que possible, payées au comptant; sinon, elles seront constatées par des reçus.

#### ARTICLE 53.

L'armée qui occupe un territoire ne pourra saisir que le numéraire, les fonds et les valeurs exigibles appartenant en propre à l'Etat, les dépôts d'armes, moyens de transport, magasins et approvisionnements et, en général, toute propriété mobilière de l'Etat de nature à servir aux opérations de la guerre.

responsibility of a Commander-in-Chief.

This collection shall only take place, as far as possible, in accordance with the rules in existence and the assessment of taxes in force.

For every payment a receipt shall be given to the taxpayer.

#### ARTICLE LII.

Neither requisition in kind nor services can be demanded from communes or inhabitants except for the necessities of the army of occupation. They must be in proportion to the resources of the country, and of such a nature as not to involve the population in the obligation of taking part in military operations against their country.

These requisitions and services shall only be demanded on the authority of the Commander in the locality occupied.

The contributions in kind shall, as far as possible, be paid for in ready money; if not, their receipt shall be acknowledged.

#### ARTICLE LIII.

An army of occupation can only take possession of the cash, funds, and property liable to requisition belonging strictly to the State, depôts of arms, means of transport, stores and supplies, and, generally all movable property of the State which may be used for military operations.

Le matériel des chemins de fer, les télégraphes de terre, les téléphones, les bateaux à vapeur et autres navires, en dehors des cas régis par la loi maritime, de même que les dépôts d'armes et en général toute espèce de munitions de guerre, même appartenant à des sociétés ou à des personnes privées, sont également des moyens de nature à servir aux opérations de la guerre, mais devront être restitués, et les indemnités seront réglées à la paix.

## ARTICLE 54.

Le matériel des chemins de fer provenant d'Etats neutres, qu'il appartienne à ces Etats ou à des Sociétés ou personnes privées, leur sera renvoyé aussitôt que possible.

## ARTICLE 55.

L'Etat occupant ne se considérera que comme administrateur et usufruitier des édifices publics, immeubles, forêts et exploitations agricoles appartenant à l'Etat ennemi et se trouvant dans le pays occupé. Il devra sauvegarder le fond de ces propriétés et les administrer conformément aux règles de l'usufruit.

## ARTICLE 56.

Les biens des communes, ceux des établissements consacrés aux cultes, à la charité et à l'instruction, aux arts et aux sciences, même appartenant à l'Etat, seront traités comme la propriété privée.

Railway plant, land telegraphs, telephones, steamers, and other ships, apart from cases governed by maritime law, as well as depôts of arms and, generally, all kinds of war material, even though belonging to Companies or to private persons, are likewise material which may serve for military operations, but they must be restored at the conclusion of peace, and indemnities paid for them.

## ARTICLE LIV.

The plant of railways coming from neutral States, whether the property of those States, or of Companies, or of private persons, shall be sent back to them as soon as possible.

## ARTICLE LV.

The occupying State shall only be regarded as administrator and usufructuary of the public buildings, real property, forests, and agricultural works belonging to the hostile State, and situated in the occupied country. It must protect the capital of these properties, and administer it according to the rules of usufruct.

## ARTICLE LVI.

The property of the communes, that of religious, charitable, and educational institutions, and those of arts and science, even when State property, shall be treated as private property.

Toute saisie, destruction ou dégradation intentionnelle de semblables établissements, de monuments historiques, d'œuvres d'art et de science, est interdite et doit être poursuivie.

All seizure of, and destruction, or intentional damage done to such institutions, to historical monuments, works of art or science, is prohibited, and should be made the subject of proceedings.

SECTION IV.—DES BELLIGÉRANTS INTERNÉS ET DES BLESSÉS SOIGNÉS CHEZ LES NEUTRES.

SECTION IV.—ON THE INTERNMENT OF BELLIGERENTS AND THE CARE OF THE WOUNDED IN NEUTRAL COUNTRIES.

ARTICLE 57.

L'Etat neutre qui reçoit sur son territoire des troupes appartenant aux armées belligérantes, les internera, autant que possible, loin du théâtre de la guerre.

Il pourra les garder dans des camps, et même les enfermer dans les forteresses ou dans des lieux appropriés à cet effet.

Il décidera si les officiers peuvent être laissés libres en prenant l'engagement sur parole de ne pas quitter le territoire neutre sans autorisation.

ARTICLE LVII.

A neutral State which receives in its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theater of war.

It can keep them in camps, and even confine them in fortresses or locations assigned for this purpose.

It shall decide whether officers may be left at liberty on giving their parole that they will not leave the neutral territory without authorization.

ARTICLE 58.

A défaut de convention spéciale, l'Etat neutre fournira aux internés les vivres, les habillements et les secours commandés par l'humanité.

Bonification sera faite, à la paix, des frais occasionnés par l'internement.

ARTICLE LVIII.

Failing a special Convention, the neutral State shall supply the interned with the food, clothing, and relief required by humanity.

At the conclusion of peace, the expenses caused by the internment shall be made good.

ARTICLE 59.

L'Etat neutre pourra autoriser le passage sur son territoire des blessés ou malades appartenant

ARTICLE LIX.

A neutral State may authorize the passage through its territory of wounded or sick belonging to



aux armées belligérantes, sous la réserve que les trains qui les amèneront ne transporteront ni personnel ni matériel de guerre. En pareil cas, l'Etat neutre est tenu de prendre les mesures de sûreté et de contrôle nécessaires à cet effet.

Les blessés ou malades amenés dans ces conditions sur le territoire neutre par un des belligérants, et qui appartiendraient à la partie adverse, devront être gardés par l'Etat neutre, de manière qu'ils ne puissent de nouveau prendre part aux opérations de la guerre. Celui-ci aura les mêmes devoirs quant aux blessés ou malades de l'autre armée qui lui seraient confiés.

#### ARTICLE 60.

La Convention de Genève s'applique aux malades et aux blessés interdés sur territoire neutre.

the belligerent armies, on condition that the trains bringing them shall carry neither combatants nor war material. In such a case, the neutral State is bound to adopt such measures of safety and control as may be necessary for the purpose.

Wounded and sick brought under these conditions into neutral territory by one of the belligerents, and belonging to the hostile party, must be guarded by the neutral State, so as to insure their not taking part again in the military operations. The same duty shall devolve on the neutral State with regard to wounded or sick of the other army who may be committed to its care.

#### ARTICLE LX.

The Geneva Convention applies to sick and wounded interned in neutral territory.

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#### DÉCLARATION

Les Soussignés, Plénipotentiaires des Puissances représentées à la Conférence Internationale de la Paix à La Haye, dûment autorisés à cet effet par leurs Gouvernements, s'inspirant des sentiments qui ont trouvé leur expression dans la Déclaration de Saint-Petersbourg du 29 Novembre (11 Décembre), 1868,

#### DECLARATION

The Undersigned, Plenipotentiaries of the Powers represented at the International Peace Conference at The Hague, duly authorized to that effect by their Governments, inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868,

## Déclarent:

Les Puissances Contractantes consentent, pour une durée de cinq ans, à l'interdiction de lancer des projectiles et des explosifs du haut de ballons ou par d'autres modes analogues nouveaux.

La présente Déclaration n'est obligatoire que pour les Puissances Contractantes, en cas de guerre entre deux ou plusieurs d'entre elles.

Elle cessera d'être obligatoire du moment où dans une guerre entre des Puissances Contractantes, une Puissance non-Contractante se joindrait à l'un des belligérants.

La présente Déclaration sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à La Haye.

Il sera dressé du dépôt de chaque ratification un *procès-verbal*, dont une copie, certifiée conforme, sera remise par la voie diplomatique à toutes les Puissances Contractantes.

Les Puissances non-Signataires pourront adhérer à la présente Déclaration. Elles auront, à cet effet, à faire connaître leur adhésion aux Puissances Contractantes, au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances Contractantes.

S'il arrivait qu'une des Hautes Parties Contractantes dénonçât la présente Déclaration, cette dénon-

## Declare as follows:

The Contracting Powers agree to prohibit, for a term of five years, the launching of projectiles and explosives from balloons, or by other new methods of a similar nature.

The present Declaration is only binding on the Contracting Powers in case of war between two or more of them.

It shall cease to be binding from the time when, in a war between the Contracting Powers, one of the belligerents is joined by a non-Contracting Power.

The present Declaration shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

A *procès-verbal* shall be drawn up on the receipt of each ratification, of which a copy, duly certified, shall be sent through the diplomatic channel to all the Contracting Powers.

The non-Signatory Powers may adhere to the present Declaration. For this purpose they must make their adhesion known to the Contracting Powers by means of a written notification addressed to the Netherland Government, and communicated by it to all the other Contracting Powers.

In the event of one of the High Contracting Parties denouncing the present Declaration, such de-

ciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouvernement des Pays-Bas et communiquée immédiatement par celui-ci à toutes les autres Puissances Contractantes.

Cette dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée.

En foi de quoi, les Plénipotentiaires ont signé la présente Déclaration et l'ont revêtue de leurs cachets.

Fait à La Haye, le 29 Juillet, 1899, en un seul exemplaire, qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances Contractantes.

[Signatures.]

#### DÉCLARATION

Les Soussignés, Plénipotentiaires des Puissances représentées à la Conférence Internationale de la Paix à La Haye, dûment autorisés à cet effet par leurs Gouvernements, s'inspirant des sentiments qui ont trouvé leur expression dans la Déclaration de Saint-Petersbourg du 29 Novembre (11 Décembre), 1868,

Déclarent:

Les Puissances Contractantes s'interdisent l'emploi de balles qui s'épanouissent ou s'aplatissent facilement dans le corps humain,

nunciation shall not take effect until a year after the notification made in writing to the Netherland Government, and by it forthwith communicated to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

In faith of which the Plenipotentiaries have signed the present Declaration, and affixed their seals thereto.

Done at The Hague the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherland Government, and of which copies, duly certified, shall be sent through the diplomatic channel to the Contracting Powers.

[Signatures]

#### DECLARATION

The Undersigned, Plenipotentiaries of the Powers represented at the International Peace Conference at The Hague, duly authorized to that effect by their Governments, inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868,

Declare as follows:

The Contracting Parties agree to abstain from the use of bullets which expand or flatten easily in the human body, such as bullets

telles que les balles à enveloppe dure dont l'enveloppe ne couvrirait pas entièrement le noyau ou serait pourvue d'incisions.

La présente Déclaration n'est obligatoire que pour les Puissances Contractantes, en cas de guerre entre deux ou plusieurs d'entre elles.

Elle cessera d'être obligatoire du moment où dans une guerre entre des Puissances Contractantes, une Puissance non-Contractante se joindrait à l'un des belligérants.

La présente Déclaration sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à La Haye.

Il sera dressé du dépôt de chaque ratification un procès-verbal, dont une copie, certifiée conforme, sera remise par la voie diplomatique à toutes les Puissances Contractantes.

Les Puissances non-Signataires pourront adhérer à la présente Déclaration. Elles auront, à cet effet, à faire connaître leur adhésion aux Puissances Contractantes, au moyen d'une notification écrite adressée au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances Contractantes.

S'il arrivait qu'une des Hautes Parties Contractantes dénonçât la présente Déclaration, cette dénonciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouverne-

with a hard envelope which does not entirely cover the core, or is pierced with incisions.

The present Declaration is only binding for the Contracting Powers in the case of a war between two or more of them.

It shall cease to be binding from the time when, in a war between the Contracting Powers, one of the belligerents is joined by a non-Contracting Power.

The present Declaration shall be ratified as soon as possible.

The ratification shall be deposited at The Hague.

A *procès-verbal* shall be drawn up on the receipt of each ratification, a copy of which, duly certified, shall be sent through the diplomatic channel to all the Contracting Powers.

The non-Signatory Powers may adhere to the present Declaration. For this purpose they must make their adhesion known to the Contracting Powers by means of a written notification addressed to the Netherland Government, and by it communicated to all the other Contracting Powers.

In the event of one of the High Contracting Parties denouncing the present Declaration, such denunciation shall not take effect until a year after the notification made in writing to the Netherland

ment des Pays-Bas et communiquée immédiatement par celui-ci à toutes les autres Puissances Contractantes.

Cet dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée.

En foi de quoi, les Plénipotentiaires ont signé la présente Déclaration et l'ont revêtue de leurs cachets.

Fait à La Haye, le 29 Juillet, 1899, en un seul exemplaire, qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances Contractantes.

[Signatures.]

#### DÉCLARATION

Les Soussignés, Plénipotentiaires des Puissances représentées à la Conférence Internationale de la Paix à La Haye, dûment autorisés à cet effet par leurs Gouvernements, s'inspirant des sentiments qui ont trouvé leur expression dans la Déclaration de Saint-Petersbourg du 29 Novembre (11 Décembre), 1868,

Déclarent:

Les Puissances Contractantes s'interdisent l'emploi de projectiles qui ont pour but unique de répandre des gaz asphyxiants ou délétères.

La présente Déclaration n'est obligatoire que pour les Puissances

Government, and forthwith communicated by it to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

In faith of which the Plenipotentiaries have signed the present Declaration, and have affixed their seals thereto.

Done at The Hague the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherland Government, and of which copies, duly certified, shall be sent through the diplomatic channel to the Contracting Powers.

[Signatures.]

#### DECLARATION

The Undersigned, Plenipotentiaries of the Powers represented at the International Peace Conference at The Hague, duly authorized to that effect by their Governments, inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868,

Declare as follows:

The Contracting Powers agree to abstain from the use of projectiles the object of which is the diffusion of asphyxiating or deleterious gases.

The present Declaration is only binding on the Contracting Powers

Contractantes, en cas de guerre entre deux ou plusieurs d'entre elles.

Elle cessera d'être obligatoire du moment où dans une guerre entre des Puissances Contractantes, une Puissance non-Contractante se joindrait à l'un des belligérants.

La présente Déclaration sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à La Haye.

Il sera dressé du dépôt de chaque ratification un procès-verbal, dont une copie, certifiée conforme, sera remise par la voie diplomatique à toutes les Puissances Contractantes.

Les Puissances non-Signataires pourront adhérer à la présente Déclaration. Elles auront, à cet effet, à faire connaître leur adhésion aux Puissances Contractantes, au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances Contractantes.

S'il arrivait qu'une des Hautes Parties Contractantes dénonçât la présente Déclaration, cette dénonciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouvernement des Pays-Bas et communiquée immédiatement par celui-ci à toutes les autres Puissances Contractantes.

in the case of a war between two or more of them.

It shall cease to be binding from the time when, in a war between the Contracting Powers, one of the belligerents shall be joined by a non-Contracting Power.

The present Declaration shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

A *procès-verbal* shall be drawn up on the receipt of each ratification, a copy of which, duly certified, shall be sent through the diplomatic channel to all the Contracting Powers.

The non-Signatory Powers can adhere to the present Declaration. For this purpose they must make their adhesion known to the Contracting Powers by means of a written notification addressed to the Netherland Government, and by it communicated to all the other Contracting Powers.

In the event of one of the High Contracting Parties denouncing the present Declaration, such denunciation shall not take effect until a year after the notification made in writing to the Government of the Netherland, and forthwith communicated by it to all the other Contracting Powers.



Cette dénonciation ne produira ses effets qu'à l'égard de la Puissance sui l'aura notifiée.

En foi de quoi, les Plénipotentiaires ont signé la présente Déclaration et l'ont revêtue de leurs cachets.

Fait à La Haye, le 29 Juillet, 1899, en une seul exemplaire, qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances Contractantes.

[Signatures.]

This denunciation shall only affect the notifying Power.

In faith of which the Plenipotentiaries have signed the present Declaration, and affixed their seals thereto.

Done at The Hague, the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherland Government, and copies of which, duly certified, shall be sent by the diplomatic channel to the Contracting Powers.

[Signatures.]

[TRANSLATION.]

*Convention pour l'Adaptation à la Guerre Maritime des Principes de la Convention de Genève du 22 Août 1864.*

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; Sa Majesté l'Empereur d'Autriche, Roi de Bohême etc. et Roi Apostolique de Hongrie; Sa Majesté le Roi des Belges; Sa Majesté l'Empereur de Chine; Sa Majesté le Roi de Danemark; Sa Majesté le Roi d'Espagne et en Son Nom Sa Majesté la Reine-Régente du Royaume; le Président des Etats-Unis d'Amérique; le Président des Etats-Unis Mexicains; le Président de la République Française; Sa Majesté la Reine du Royaume-Uni de la Grande Bretagne et d'Irlande, Impéra-

*Convention for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of August 22, 1864.*

Mis Hajesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia etc. and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the Emperor of China; His Majesty the King of Denmark; His Majesty the King of Spain and in His Name Her Majesty the Queen Regent of the Kingdom; the President of the United States of America; the President of the United Mexican States; the President of the French Republic; Her Majesty the Queen of the United

trice des Indes; Sa Majesté le Roi des Hellènes; Sa Majesté le Roi d'Italie; Sa Majesté l'Empereur du Japon; Son Altesse Royale le Grand-Duc de Luxembourg, Duc de Nassau; Son Altesse le Prince le Monténégro; Sa Majesté la Reine des Pays-Bas; Sa Majesté Impériale le Schah de Perse; Sa Majesté le Roi de Portugal et des Algarves etc.; Sa Majesté le Roi de Roumanie; Sa Majesté l'Empereur de Toutes les Russies; Sa Majesté le Roi de Serbie; Sa Majesté le Roi de Siam; Sa Majesté le Roi de Suède et de Norvège; le Conseil Fédéral Suisse; Sa Majesté l'Empereur des Ottomans et Son Altesse Royale le Prince de Bulgarie

Également animés du désir de diminuer autant qu'il dépend d'eux les maux inséparables de la guerre et voulant dans ce but adapter à la guerre maritime les principes de la Convention de Genève du 22 août 1864, ont résolu de conclure une Convention à cet effet;

Ils ont en conséquence nommé pour Leurs Plénipotentiaires, savoir:

[Noms.]

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes:

Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves etc.; His Majesty the King of Roumania; His Majesty the Emperor of all the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden and Norway; the Swiss Federal Council; His Majesty the Emperor of the Ottomans and His Royal Highness the Prince of Bulgaria.

Alike animated by the desire to diminish, as far as depends on them the evils inseparable from warfare, and wishing with this object to adapt to maritime warfare the principles of the Geneva Convention of the 22nd August, 1864, have decided to conclude a convention to this effect:

They have, in consequence, appointed as their Plenipotentiaries, to wit:

[Names.]

Who, after communication of their full powers, found in good and due form, have agreed on the following provisions:

## ARTICLE 1.

Les bâtiments-hôpitaux militaires, c'est-à-dire les bâtiments construits ou aménagés par les Etats spécialement et uniquement en vue de porter secours aux blessés, malades et naufragés, et dont les noms auront été communiqués, à l'ouverture ou au cours des hostilités, en tout cas avant toute mise en usage, aux Puissances belligérantes, sont respectés et ne peuvent être capturés pendant la durée des hostilités.

Ces bâtiments ne sont pas non plus assimilés aux navires de guerre au point de vue de leur séjour dans un port neutre.

## ARTICLE 2.

Les bâtiments hospitaliers, équipés en totalité ou en partie aux frais des particuliers ou des sociétés de secours officiellement reconnues, sont également respectés et exempts de capture, si la Puissance belligérante dont ils dépendent, leur a donné une commission officielle et en a notifié les noms à la Puissance adverse à l'ouverture ou au cours des hostilités, en tout cas avant toute mise en usage.

Ces navires doivent être porteurs d'un document de l'autorité compétente déclarant qu'ils ont été soumis à son contrôle pendant leur armement et à leur départ final.

## ARTICLE I.

Military hospital ships, that is to say, ships constructed or assigned by States specially and solely for the purpose of assisting the wounded, sick or shipwrecked, and the names of which shall have been communicated to the belligerent Powers at the beginning or during the course of hostilities, and in any case before they are employed, shall be respected and cannot be captured while hostilities last.

These ships, moreover, are not on the same footing as men-of-war as regards their stay in a neutral port.

## ARTICLE II.

Hospital ships, equipped wholly or in part at the cost of private individuals or officially recognized relief Societies, shall likewise be respected and exempt from capture, provided the belligerent Power to whom they belong has given them an official commission and has notified their names to the hostile Power at the commencement of or during hostilities, and in any case before they are employed.

These ships should be furnished with a certificate from the competent authorities, declaring that they had been under their control while fitting out and on final departure.

## ARTICLE 3.

Les bâtiments hospitaliers, équipés en totalité ou en partie aux frais des particuliers ou des sociétés officiellement reconnues de pays neutres, sont respectés et exempts de capture, si la Puissance neutre dont ils dépendent leur a donné une commission officielle et en a notifié les noms aux Puissances belligérantes à l'ouverture ou au cours des hostilités, en tout cas avant toute mise en usage.

## ARTICLE 4.

Les bâtiments qui sont mentionnés dans les art. 1, 2 et 3, porteront secours et assistance aux blessés, malades et naufragés des belligérants sans distinction de nationalité.

Les Gouvernements s'engagent à n'utiliser ces bâtiments pour aucun but militaire.

Ces bâtiments ne devront gêner en aucune manière les mouvements des combattants.

Pendant et après le combat, ils agiront à leurs risques et périls.

Les belligérants auront sur eux le droit de contrôle et de visite; ils pourront refuser leur concours, leur enjoindre de s'éloigner, leur imposer une direction déterminée et mettre à bord un commissaire, même les détenir, si la gravité des circonstances l'exigeait.

Autant que possible, les belligérants inscriront sur le journal de

## ARTICLE III.

Hospital ships, equipped wholly or in part at the cost of private individuals or officially recognized Societies of neutral countries, shall be respected and exempt from capture, if the neutral Power to whom they belong has given them an official commission and notified their names to the belligerent powers at the commencement of or during hostilities and, in any case, before they are employed.

## ARTICLE IV.

The ships mentioned in Articles I, II and III shall afford relief and assistance to the wounded, sick, and shipwrecked of the belligerents independently of their nationality.

The Governments engage not to use these ships for any military purpose.

These ships must not in any way hamper the movements of the combatants.

During and after an engagement they will act at their own risk and peril.

The belligerents will have the right to control and visit them; they can refuse to help them, order them off, make them take a certain course and put a Commissioner on board; they can even detain them, if important circumstances require it.

As far as possible the belligerents shall inscribe in the sailing

bord des bâtiments hospitaliers les ordres qu'ils leur donneront.

## ARTICLE 5.

Les bâtiments-hôpitaux militaires seront distingués par une peinture extérieure blanche avec une bande horizontale verte d'un mètre et demi de largeur environ.

Les bâtiments qui sont mentionnés dans les articles 2 et 3, seront distingués par une peinture extérieure blanche avec une bande horizontale rouge d'un mètre et demi de largeur environ.

Les embarcations des bâtiments qui viennent d'être mentionnés, comme les petits bâtiments qui pourront être affectés au service hospitalier, se distingueront par une peinture analogue.

Tous les bâtiments hospitaliers se feront reconnaître en hissant, avec leur pavillon national, le pavillon blanc à croix rouge prévu par la Convention de Genève.

## ARTICLE 6.

Les bâtiments de commerce, yachts ou embarcations neutres, portant ou recueillant des blessés, des malades ou des naufragés des belligérants, ne peuvent être capturés pour le fait de ce transport, mais ils restent exposés à la capture pour les violations de neutralité qu'ils pourraient avoir commises.

## ARTICLE 7.

Le personnel religieux, médical et hospitalier de tout bâtiment cap-

papers of the hospitals ships the orders they give them.

## ARTICLE V.

The military hospital ships shall be distinguished by being painted white outside with a horizontal band of green about a metre and a half in breadth.

The ships mentioned in Articles II and III shall be distinguished by being painted white outside with a horizontal band of red about a metre and a half in breadth.

The boats of the ships above mentioned, as also small craft which may be used for hospital work, shall be distinguished by similar painting.

All hospital ships shall make themselves known by hoisting, together with their national flag, the white flag with a red cross provided by the Geneva Convention.

## ARTICLE VI.

Neutral merchantmen, yachts, or vessels, having, or taking on board, sick, wounded, or shipwrecked of the belligerents, cannot be captured for so doing, but they are liable to capture for any violation of neutrality they may have committed.

## ARTICLE VII.

The religious, medical, or hospital staff of any captured ship is

turé est inviolable et ne peut être fait prisonnier de guerre. Il emporte, en quittant le navire, les objets et les instruments de chirurgie qui sont sa propriété particulière.

Ce personnel continuera à remplir ses fonctions tant que cela sera nécessaire et il pourra ensuite se retirer lorsque le commandant en chef le jugera possible.

Les belligérants doivent assurer à ce personnel tombé entre leurs mains la jouissance intégrale de son traitement.

#### ARTICLE 8.

Les marins et les militaires embarqués blessés ou malades, à quelque nation qu'ils appartiennent, seront protégés et soignés par les capteurs.

#### ARTICLE 9.

Sont prisonniers de guerre les naufragés, blessés ou malades, d'un belligérant qui tombent au pouvoir de l'autre. Il appartient à celui-ci de décider, suivant les circonstances, s'il convient de les garder, de les diriger sur un port de sa nation, sur un port neutre ou même sur un port de l'adversaire. Dans ce dernier cas, les prisonniers ainsi rendus à leur pays ne pourront servir pendant la durée de guerre.

#### ARTICLE 10.

[Exclu.]

inviolable, and its members cannot be made prisoners of war. On leaving the ship they take with them the objects and surgical instruments which are their own private property.

This staff shall continue to discharge its duties while necessary, and can afterwards leave when the Commander-in-Chief considers it possible.

The belligerents must guarantee to the staff that has fallen into their hands the enjoyment of their salaries intact.

#### ARTICLE VIII.

Sailors and soldiers who are taken on board when sick or wounded, to whatever nation they belong, shall be protected and looked after by the captors.

#### ARTICLE IX.

The shipwrecked, wounded, or sick of one of the belligerents who fall into the hands of the other, are prisoners of war. The captor must decide, according to circumstances, if it is best to keep them or send them to a port of his own country, to a neutral port, or even to a hostile port. In the last case, prisoners thus repatriated cannot serve as long as the war lasts.

#### ARTICLE X.

[Excluded.]



## ARTICLE 11.

Les règles contenues dans les articles ci-dessus ne sont obligatoires que pour les Puissances contractantes, en cas de guerre entre deux ou plusieurs d'entre elles.

Les dites règles cesseront d'être obligatoires du moment où, dans une guerre entre des Puissances contractantes, une Puissance non contractante se joindrait à l'un des belligérants.

## ARTICLE 12.

La présente Convention sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à la Haye.

Il sera dressé du dépôt de chaque ratification un *procès-verbal*, dont une copie, certifiée conforme, sera remise par la voie diplomatique à toutes les Puissances contractantes.

## ARTICLE 13.

Les Puissances non signataires, qui auront accepté la Convention de Genève du 22 août 1864, sont admises à adhérer à la présente Convention.

Elles auront, à cet effet, à faire connaître leur adhésion aux Puissances contractantes, au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances contractantes.

## ARTICLE XI.

The rules contained in the above Articles are binding only on the Contracting Powers, in case of War between two or more of them.

The said rules shall cease to be binding from the time when, in a war between the Contracting Powers, one of the belligerents is joined by a non-Contracting Power.

## ARTICLE XII.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

On the receipt of each ratification a *procès-verbal* shall be drawn up, a copy of which, duly certified, shall be sent through the diplomatic channel to all the Contracting Powers.

## ARTICLE XIII.

The non-Signatory Powers who accepted the Geneva Convention of the 22nd August, 1864, are allowed to adhere to the present Convention.

For this purpose they must make their adhesion known to the Contracting Powers by means of a written notification addressed to the Netherland Government, and by it communicated to all the other Contracting Powers.

## ARTICLE 14.

S'il arrivait qu'une des Hautes Parties contractantes dénonçât la présente Convention, cette dénonciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouvernement des Pays-Bas et communiquée immédiatement par celui-ci à toutes les autres Puissances contractantes.

Cette dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée.

En foi de quoi, les Plénipotentiaires ont signé la présente Convention et l'ont revêtue de leurs cachets.

Fait à la Haye, le vingt-neuf juillet mil huit cent quatre-vingt dix-neuf, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances contractantes.

[Signatures.]

## ARTICLE XIV.

In the event of one of the High Contracting Parties denouncing the present Convention, such denunciation shall not take effect until a year after the notification made in writing to the Netherlands Government, and forthwith communicated by it to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

In testimony whereof the respective Plenipotentiaries have signed the present Convention and affixed their seals thereto.

Done at The Hague the 29th July, 1899, in single copy, which shall be kept in the archives of the Government of the Netherlands, and copies of which duly certified shall be sent through the diplomatic channel to the Contracting Powers.

[Signatures.]

*Dissolution de L'Union Suédo-Norvégienne. Traitées du 29 octobre, 1905  
Procès-verbal de signature, dressé à Stockholm le 26 octobre, 1905*

Les soussignés M. Thor de Ditten, Plénipotentiaire de la Norvège, d'un côté, de l'autre M. le Comte Axel Frédéric Claesson Wachmeister, Plénipotentiaire de la Suède,

Se sont réunis aujourd'hui en vue de convertir en Conventions formelles les projets de conventions:

1. concernant le règlement de différends par arbitrage;
2. relative à l'établissement d'une zone neutre, à la mise hors d'état de servir de fortifications, etc.;
3. concernant le droit des Lapons nomades au pacage pour les rennes, etc.;
4. concernant le trafic en transit; et
5. concernant les lacs et cours d'eau communs,

arrêtés à Karlstad par les délégués norvégiens et suédois, et approuvés par le Storthing norvégien le 9 octobre 1905 et par le Riksdag suédois le 13 octobre 1905, ainsi que de convertir en Acte conventionnel formel le projet d'acte séparé concernant les mesures visées aux articles 3 et 5 du projet de convention relative à l'établissement d'une zone neutre, à la mise hors d'état de servir les fortifications, etc., arrêté par les délégués mentionnés plus haut et approuvé, conformément à l'autorisation des représentations nationales respectives, par le Gouvernement norvégien le 10 octobre 1905, et par le Gouvernement suédois le 13 octobre 1905.

Les soussignés ont présenté les documents suivants:

du côté norvégien:

1 a) act contenant les cinq projets de conventions susmentionnés, arrêtés par les délégués à Karlstad, en original norvégien;

b) acte contenant le projet d'acte séparé susmentionné, arrêté par les délégués à Karlstad, en original norvégien;

2. l'adresse du 9 octobre 1905, portant que le Storthing a approuvé, à condition qu'une décision analogue soit prise en Suède, les projets de conventions mentionnés sub 1. a), qui devront sortir leur effet dès que la Suède aura reconnu la Norvège comme État séparé de l'union avec la Suède;

3. extrait des procès-verbaux dressés à la session du Gouvernement norvégien le 10 octobre 1905, portant que le Gouvernement norvégien a, sur le rapport du Ministre de la Justice, approuvé, au nom de la Norvège, le projet d'acte séparé susmentionné;

4. l'adresse du 18 octobre 1905, portant que le Storthing autorise le Gouvernement norvégien à désigner un ou plusieurs plénipotentiaires por

signer, au nom de la Norvège, et sans réserve de ratification, les projets de conventions et d'acte séparé susmentionnés, en langues norvégienne, suédoise et française, lesquels devront sortir leur effet dès que la Suède aura reconnu la Norvège comme État séparé de l'union avec la Suède; et

5. pleins pouvoirs du Gouvernement norvégien pour M. de Ditten de signer les Conventions et l'Acte séparé susmentionnés;

du côté suédois:

1. a) acte contenant les cinq projets de conventions susmentionnés, arrêtés par les délégués à Karlstad, en original suédois;

b) acte contenant le projet d'acte séparé susmentionné, arrêté par les délégués à Karlstad, en original suédois;

2. l'adresse du 13 octobre 1905, portant que le Riksdag a approuvé, à condition qu'une décision analogue soit prise en Norvège, les projets de conventions mentionnés sub 1. a), qui devront sortir leur effet dès que la Suède aura reconnu la Norvège comme État séparé de l'union avec la Suède, et que le Riksdag a déclaré que cette approbation implique l'autorisation pour le Roi d'approuver, au nom de la Suède, le projet d'acte séparé;

3. extrait des procès-verbaux dressés au Conseil des ministres, présidé par le Roi, le 13 octobre 1905, portant que le Roi a, sur le rapport du Ministre de la Justice, approuvé, au nom de la Suède, le projet d'acte séparé;

4. l'adresse du 16 octobre 1905, portant que le Riksdag a, sur la proposition du Gouvernement, voté une loi concernant l'abrogation, de la part de la Suède, de l'acte d'Union, laquelle loi devra entrer en vigueur dès que les traités auront été, dans les formes internationales d'usage, arrêtés en conformité des projets mentionnés sub 1. a) et b), et que le Riksdag a autorisé le Roi à reconnaître, au nom de la Suède, la Norvège comme État séparé, de l'union avec la Suède, sous réserve de la signature en due forme des dits traités;

5. extrait des procès-verbaux dressés au Conseil des ministres, présidé par le Roi, le 26 octobre 1905, portant que le Roi a décidé de promulguer la loi mentionnée sub 4. et de reconnaître, sous la réserve également visée sub 4., la Norvège comme état séparé de l'union avec la Suède; et

6. pleins pouvoirs du Gouvernement suédois pour M. le Comte Wachtmeister de signer les Conventions et l'Acte séparé susmentionnés.

Ayant pris connaissance mutuellement des documents présentés, lesquels ont été trouvés en bonne et due forme, et après avoir échangé les pleins pouvoirs, les soussignés ont déclaré que les Convention et l'Acte

séparé à signer seront considérés obligatoires à compter de ce jour, sans aucune ratification.

Après quoi les soussignés ont signé, en langues norvégienne, suédoise et française, et en double, les acts suivants, à savoir:

1. Convention concernant le règlement de différends par arbitrage;
2. Convention relative à l'établissement d'une zone neutre, à la mise hors d'état de servir de fortifications, etc;
3. Convention concernant le droit des Lapons nomades au pacage pour les rennes, etc.;
4. Convention concernant le trafic en transit;
5. Convention concernant les lacs et cours d'eau communs; et
6. Acte séparé concernant les mesures visées aux articles 3 et 5 de la Convention relative à l'établissement d'une zone neutre, à la mise hors d'état de servir de fortifications, etc.

En foi de quoi les Plénipotentiaires respectifs ont dressé le présent procès-verbal de signature, qui aura la même force et la même valeur que si les dispositions qu'il contient étaient insérées dans les-dits actes eux-mêmes.

Fait à Stockholm, en double expédition, le 26 octobre 1905.

[L. S.] V. DITTEN.

[L. S.] F. CLAESON WACHTMEISTER.

[TEXTES ORIGINAUX.]

*Convention concernant le règlement de différends par arbitrage.*

M. Thor de Ditten, Plénipotentiaire de la Norvège, et

M. le Comte Axtel Frédéric Claesson Wachtmeister, Plénipotentiaire de la Suède, s'étant réunis en vue de convertir en Convention formelle le projet de convention concernant le règlement de différends par arbitrage, approuvé par le Storthing norvégien le 9 octobre 1905 et par le Riksdag suédois le 13 octobre 1905, et dûment autorisés à cet effet, ont signé, sans réserve de ratification, les articles qui suivent:

ARTICLE 1. Les deux États (engagent à soumettre à la Cour permanente d'Arbitrage, établie par la) Convention du 29 juillet 1899, à la Haye, les différends qui viendraient à se produire entre eux et qui n'auraient pu être réglés par des négociations diplomatiques directes, à la condition toutefois qu'ils ne mettent en cause ni l'indépendance, ni l'intégrité, ni les intérêts vit aux de l'un ou de l'autre des États respectifs.

ART. 2. En cas de divergence sur le point de savoir si le différend qui

se sera produit met en cause les intégrités vitales de l'un ou de l'autre des États, et de ce chef doit être compris parmi ceux qui, aux termes de l'article précédent, sont exceptés de l'arbitrage obligatoire, la dite divergence sera soumise à la Cour d'Arbitrage susnommée.

ART. 3. La présente Convention recevra son application, même si les différends qui viendraient à se produire avaient leur origine dans les faits antérieurs à sa conclusion, mais elle ne s'appliquera pas aux différends relatifs à l'interprétation ou à l'application de conventions contenant une clause spéciale d'arbitrage, et par conséquent, pas aux différends relatifs à l'interprétation ou à l'application des conventions conclues à l'occasion de la dissolution de l'Union entre les deux États.

ART. 4. Lorsqu'il aura lieu à un arbitrage entre eux, les deux États, à défaut de clauses compromissaires contraires, se conformeront, pour tout ce qui concerne la désignation des arbitres et la procédure arbitrale, aux dispositions établies par la Convention du 29 juillet 1899, sauf en ce qui concerne les points indiqués ci-après.

ART. 5. Aucun des arbitres ne pourra être sujet de l'un ou de l'autre État, ni domicilié dans leurs territoires. Ils ne devront avoir aucun intérêt dans les questions qui feront l'objet de l'arbitrage.

ART. 6. Le compromis prévu par l'article 31 de la Convention du 29 juillet 1899 fixera un terme avant l'expiration duquel devra avoir lieu l'échange entre les deux États des mémoires et documents se rapportant à l'objet du différend. Cet échange sera terminé dans tous les cas avant l'ouverture des séances du Tribunal Arbitral.

Ces dispositions ne portent aucune atteinte à ce qui a été arrêté par la Convention de la Haye du 29 juillet 1899 concernant la seconde phase de la procédure arbitrale (article 39), notamment pas aux dispositions des articles 43 à 49.

ART. 7. S'il y a lieu, la sentence arbitrale contiendra l'indication des délais dans lesquels elle devra être exécutée.

ART. 8. La présente Convention aura la durée de dix ans, à partir du jour de la signature, et sera prolongée pour une période de la même durée, si elle n'est pas dénoncée par l'un ou l'autre des États aux moins deux ans avant l'expiration de la période décennale.

Fait à Stockholm, en double expédition, le 26 octobre 1905.

[L. S.]	V. DITTEN,
[L. S.]	F. CLASON WACHTMEISTER.



*Convention relative à l'établissement d'une zone neutre, à la mise hors d'état de servir de fortifications, etc.*

M. Thor de Ditten, Plénipotentiaire de la Norvège, et

M. le Comte Axel Frédéric Claesson Wachtmeister, Plénipotentiaire de la Suède,

S'étant réunis en vue de convertir en Convention formelle le projet de convention relative à l'établissement d'une zone neutre, à la mise hors d'état de servir de fortifications, etc., approuvé par le Storting norvégien le 9 octobre 1905 et par le Riksdag suédois le 13 octobre 1905, et dûment autorisés à cet effet, ont signé, sans réserve de ratification, les articles qui suivent;

ART. 1. Afin d'assurer des relations pacifiques entre les deux États, il sera établi, des deux côtés de la frontière commune, un territoire ("zone neutre") qui jouira des avantages d'une neutralité perpétuelle.

Cette zone sera limitée comme suit:

du côté norvégien par une ligne de démarcation allant, en ligne droite, par le Kirkö, en touchant la pointe nord-ouest du Singleö à l'église d'Ingedal et, de là, formant une succession de lignes droites passant par: l'église de Rokke, la pointe située sur la rive nord de l'embouchure du cours d'eau de Fredrickshald dans le Femsjö, l'embouchure, dans l'angle nord-est du Femsjö, du ruisseau passant près de la ferme de Röd, l'extrémité est du Klosatjern, l'extrémité est du Grefslivand (au nord de l'église de Haerland), la pointe s'avancant dans l'Ogderensjö au sud-ouest de Kraaktorp, le détroit entre le Mjermen et le Gaasefjord, l'Eidsdammen, l'extrémité sud-ouest du Dyrerudtjern (à l'extrémité nord du Liermosen), l'église d'Urskog, l'extrémité sud du Holmtjern, l'angle sud du Digersjö, l'extrémité nord du Skasensjö, l'extrémité est du Nordre Flögensjö, jusqu'au point où l'Ulva coupe le 61° parallèle.

du côté suédois par une ligne de démarcation partant de la pointe septentrionale du Nordkoster et formant une succession de lignes droites passant par: la pointe méridionale du Norra Langö, l'extrémité nord-est du lac de Färingen, l'extrémité nord-est du Lursjön, l'embouchure du fleuve ne Kynne dans le Södra Bullaren, l'extrémité sud-est du Södra Kornsjön, l'extrémité sud du Stora Le, l'extrémité ou est de l'Ognesjön, l'extrémité sud du Lysédstjärn, l'extrémité sud du Svalsjön, l'extrémité sud du Nässjön, l'extrémité sud du Bysjön, l'extrémité nord-ouest du lac de Kymmen, l'extrémité nord-ouest du Grunssjön, l'extrémité nord-ouest du Kläggan, l'extrémité nord du Mangel, l'extrémité ouest du Bredsjön, jusqu'au point où la rive droite du Klarälfven coupe le 61° parallèle;

Dans la dite zone sont compris les fies, flots et récifs, mais non pas les parties de la mer elle-même avec ses golfes, qui se trouvent dans les limites de la zone.

La neutralité de la dite zone sera complète. Il sera donc défendu à chacun des deux États de faire dans cette zone des opérations de guerre, de s'en servir comme point d'appui ou comme base d'opérations de ce genre et d'y faire stationner (sauf l'exception prévue par l'article 6) ou concentrer des forces militaires armées, sauf celles qui pourraient être nécessaires pour le maintien de l'ordre public ou pour porter secours en cas de sinistre. Si, l'un des États, il existe, ou si plus tard il y est construit des chemins de fer passant par une partie de la zone neutre de cet État dans une direction essentiellement parallèle à l'axe longitudinal de celle-ci, les présentes dispositions ne s'opposeront pas à l'emploi de ces chemins de fer pour les transports militaires de passage. Elles ne s'opposeront pas non plus à ce que des personnes, domiciliées dans la partie de zone de l'un des États et qui appartiennent à l'armée ou à la flotte, s'y réunissent pour être dirigées sans retard hors de la zone.

On ne pourra conserver dans la zone neutre et on ne pourra y établir à l'avenir ni fortifications, ni ports de guerre ni dépôts de provisions destinés à l'armée ou à la flotte.

Toutefois ces dispositions ne seront pas applicables au cas où les deux États se porteraient secours dans une guerre contre un ennemi commun. Si l'un des deux États se trouve en guerre avec une tierce Puissance, elles n'engageront pas non plus, pour la partie de la zone qui appartient à chacun d'eux, ni celui qui se trouve en guerre, ni l'autre, en tant qu'il s'agit pour celui-ci de faire respecter sa neutralité.

ART. 2. En vertu des dispositions précédentes, les fortifications qui se trouvent actuellement dans la zone neutre telle qu'elle a été établie ci-dessus seront démantelées, à savoir: les groupes de fortifications norvégiennes de Fredrikssten avec Gyldenløve, Overbjerget. Veden et Hjelm kollen, d'Orje avec Kroksund et d'Urskog (Dingsrud).

ART. 3. Les fortifications visées à l'article 2 seront mises hors d'état de servir en cette qualité; les ouvrages anciens de Fredrikssten et des forts de Gyldenløve et d'Overbjerget seront toutefois conservés, mais il sera défendu d'y faire des travaux d'entretien ayant un caractère de fortification.

Des stipulations plus détaillées relatives aux constructions modernes de ces trois forts, ainsi qu'aux mesures à prendre en ce qui touche les autres fortifications, seront insérées dans un acte séparé qui aura la même force et la même valeur que la présente Convention.

ART. 4. L'exécution des mesures visées à l'article 3 sera achevée au

plus tard huit mois après l'entrée en vigueur de la présente Convention.

ART. 5. Une commission composée de trois officiers de nationalité étrangère (ni norvégienne, ni suédoise) sera chargée de contrôler que les mesures visées à l'article 3 auront été dûment exécutées. De ces officiers un sera nommé par chacun des deux États et le troisième par les deux officiers ainsi désignés ou, dans le cas où ils ne pourraient tomber d'accord, par le Président du Conseil Fédéral Suisse.

Des dispositions plus détaillées relatives à ce contrôle seront insérées dans l'Acte séparé mentionné ci-dessus.

ART. 6. Fredrikssten pourra continuer à être le quartier du commandement militaire du district et celui de l'école de sous-officiers des forces ressortissant à ce commandement, le tout essentiellement sur le même pied qu'avant la construction des fortifications modernes.

ART. 7. Le groupe de fortifications de Kongsvinger ne pourra être augmenté, ni comme constructions, ni comme armement, ni comme garnison, le chiffre de cette dernière n'ayant pas, jusqu'ici, dépassé 300 hommes. Ne seront pas compris dans la garnison les hommes convoqués pour les exercices annuels. En application de la disposition ci-dessus, il ne pourra être établi de nouvelles fortifications dans un rayon de dix kilomètres autour de la forteresse ancienne de Kongsvinger.

ART. 8. Les différends relatifs à l'interprétation ou à l'application de la présente Convention qui n'auront pu être réglés par des négociations diplomatiques directes seront, avec l'exception qui suit de l'article 5, soumis à un Tribunal Arbitral composé de trois membres dont un sera nommé par chacun des deux États et le troisième par les deux membres ainsi désignés, ou, s'ils ne peuvent tomber d'accord sur ce choix, par le Président du Conseil Fédéral Suisse, ou, subsidiairement, de la manière prévue par les deux derniers alinéas de l'article 32 de la Convention de la Haye du 29 juillet 1899. Aucun des arbitres ne pourra être sujet de l'un ou de l'autre État, ni domicilié dans leurs territoires. Ils ne devront avoir aucun intérêt dans les questions qui feront l'objet de l'arbitrage.

A défaut de clauses compromissaires contraires, le Tribunal Arbitral déterminera le lieu de sa réunion et la procédure arbitrale.

ART. 9. La présente Convention entrera immédiatement en vigueur et ne pourra être dénoncée que d'un commun accord.

Fait à Stockholm, en double expédition, le 26 octobre 1905.

[L. S.] V. DITTEN.

[L. S.] F. CL: SON WACHTMEISTER.

*Convention concernant le droit des Lapons nomades au pacage pour les rennes, etc.*

M. Thor de Ditten, Plénipotentiaire de la Norvège, et

M. le Comte Axel Frédéric Claesson Wachtmeister, Plénipotentiaire de la Suède,

S'étant réunis en vue de convertir en Convention formelle le projet de convention concernant le droit des Lapons nomades au pacage pour les rennes, etc, approuvé par le Storthing norvégien le 9 octobre 1905 et par le Riksdag suédois le 13 octobre 1905, et dûment autorisés à cet effet, ont signé, sans réserve de ratification, les articles qui suivent;

ARTICLE 1. Les deux États s'engagent, dans un but humanitaire, à continuer dorénavant de permettre, chacun sur son territoire, que les Lapons nomades de l'autre État jouissent; dans les proportions anciennes, des droits mentionnés dans la première annexe du traité de délimitation du 7/18 octobre 1751, chacun des deux États renonçant à toute prétention de pouvoir dénoncer ladite annexe sans le consentement de l'autre.

ART. 2. La loi de 1883 sur les Lapons nomades, qui remplace actuellement dans les deux États l'annexe susmentionnée, et qui a en dernier lieu été prorogée jusqu'à la fin de l'année 1909, sera prorogée pour une période de dix années encore, soit jusqu'à la fin de l'année 1917; toutefois, pour ce qui concerne son application pendant ladite période, il sera à observer ce qui suit:

1° Le droit qui revient aux Lapons de chacun des États de séjourner avec leurs rennes dans l'autre, sans l'autorisation des propriétaires fonciers ou fermiers intéressés, durant certains mois de l'année mentionnés dans ladite loi, ne pourra être exercé que dans les préfectures de Tromsø et de Nordland en Norvège et dans celles de Norrbotten et de Västerbotten en Suède;

2° Il ne sera pas permis aux Lapons passant de l'un des pays dans l'autre d'amener des rennes appartenant à des personnes ayant demeure fixe ou à des sociétés anonymes;

3° Les Lapons suédois ne pourront, sans l'autorisation des propriétaires fonciers ou fermiers intéressés, passer en en Norvège avec leurs rennes ayant le 15 juin, à moins que des conditions météorologiques extraordinaires ne rendent une migration anticipée nécessaire. La Suède aura cependant le droit de soumettre à ses frais, à un Tribunal Arbitral constitué conformément à l'article 4 ci-dessous la question de savoir si et dans quelle mesure il est nécessaire pour les Lapons suédois, indépendamment de conditions météorologiques extraordinaires, de

passer en Norvège avant le 15 juin, et, dans ce cas, il sera donné suite à la décision du Tribunal Arbitral; dans aucune hypothèse cependant ladite migration ne pourra avoir lieu avant le 1 mai.

ART. 3. En temps utile avant la fin de l'année 1917, des négociations relatives à la revision des dispositions dans cette matière, en vigueur entre les deux États, seront engagées entre eux.

ART. 4. Les différends relatifs à l'interprétation ou à l'application des dispositions dans la matière, en vigueur en tout temps entre les deux États, et qui n'auront pu être réglés par des négociations diplomatiques directes, seront soumis à un Tribunal Arbitral composé de trois membres dont un sera nommé par chacun des deux États et le troisième par les deux membres ainsi désignés, ou, s'ils ne peuvent tomber d'accord sur ce choix, par le Président du Conseil Fédéral Suisse, ou, subsidiairement, de la manière prévue par les deux derniers alinéas de l'article 32 de la Convention de la Haye du 29 juillet 1899.

A défaut de clauses compromissaires contraires, le Tribunal Arbitral déterminera le lieu de sa réunion et la procédure arbitrale.

Fait à Stockholm en double expédition, le 26 octobre 1905.

[L. s.] V. DITTEN.

[L. s.] F. CL.: SON WACHTMEISTER.

*Convention concernant le trafic en transit.*

M. Thor de Ditten, Plénipotentiaire de la Norvège, et

M. le Comte Axel Frédéric Claesson Wachtmeister, Plénipotentiaire de la Suède,

S'étant réunis en vue de convertir en Convention formelle le projet de convention concernant le trafic en transit, approuvé par le Storting norvégien le 9 octobre 1905 et par le Riksdag suédois le 13 octobre 1905, et dûment autorisés à cet effet, ont signé, sans réserve de ratification, les articles qui suivent:

ARTICLE 1. Chacun de deux États s'engage à ne pas empêcher ou gêner, par des prohibitions d'importation ou d'exportation, par des entraves apportées au transport ou par d'autres moyens, le transport des marchandises passant par son territoire et venant de l'autre État ou s'y rendant (marchandises en transit).

En cas d'hostilités avec une tierce Puissance ou entre tierces Puissances, ou bien dans d'autres cas extraordinaires, il pourra être fait, pour les armes, munitions ou autre matériel de guerre, et, en temps de guerre,



pour toutes marchandises ayant le caractère de contrebande de guerre, les exceptions provisoires exigées par le droit international ou commandées par le souci de la neutralité ou de la sûreté du pays. Il sera également permis de faire les exceptions provisoires nécessaires pour empêcher l'introduction ou la propagation d'épidémies ou d'épizooties.

ART. 2. Les marchandises en transit ne seront pas soumises à des droits de douane ou à d'autres droits analogues, ni frappées, du fait du transit, d'un droit spécial quelconque. Sur les marchandises consignées en entrepôts ou autres semblables, les droits établis pourront être perçus.

ART. 3. Les marchandises en transit, transportées par chemin de fer, ne seront pas soumises, dans le pays de transit, à un régime moins favorable que ce lui appliqué en général, dans ce pays, aux marchandises de la même catégorie. Elles n'auront par conséquent pas à acquitter, sous aucune forme, des taxes de transport plus élevées que celles résultant des tarifs appliqués de fait dans le dit pays. Si, pour certaine catégorie de marchandises, le pays de transit n'applique pas dans tous les cas le même tarif, les marchandises en transit n'auront à acquitter que les taxes de transport jugées équitables par rapport aux tarifs qui sont de fait appliqués en général en dedans des limites du pays de transit, abstraction faite des réductions spéciales consenties sur des lignes locales tertiaires ou pour des raisons exceptionnelles. Si, dans le pays de transit, le transport de certaine catégorie de marchandises est nul ou de peu d'importance, les marchandises en transit de cette catégorie n'auront à acquitter que les taxes de transports jugées équitables par rapport aux tarifs appliqués aux marchandises qui s'en rapprochent le plus.

Cet article s'applique à toute marchandise qui, venant de l'un des deux pays ou s'y rendant, traverse l'autre par une ligne de chemin de fer appartenant, en tout ou en partie, à l'État ou à une société dont l'État est un des associés. Si l'État ou une société dont l'État est un des associés cède une ligne, ou sa part d'une ligne, à un nouveau propriétaire, l'État restera garant de l'application, malgré cette cession, des dispositions du présent article.

ART. 4. Les marchandises en transit, ainsi que les navires affrétés pour leur transport, ne seront pas soumis, dans le pays de transit, à des droits de port ou de navigation ou à d'autres droits, de quelque nature que ce soit, plus élevés que ceux résultant des tarifs qui, dans le trafic international du pays de transit, sont de fait appliqués en général aux marchandises de la même catégorie, sans préjudice toutefois du droit des communes de percevoir des droits de port conformément à la législation générale.



Si certaine catégorie de marchandises ne figure point ou seulement avec des quantités peu importantes dans le trafic international du pays de transit, il ne sera pas perçu de droits plus élevés que ceux jugés équitables par rapport aux tarifs appliqués aux marchandises qui s'en rapprochent le plus.

ART. 5. Les dispositions ci-dessus seront appliquées même dans le cas où une marchandise en transit fait l'objet d'une réexpédition dans le pays de transit.

ART. 6. La présente Convention aura la durée de trente ans, à partir du 1<sup>er</sup> janvier 1906, et sera prolongée pour une nouvelle période de la même durée, si elle n'est pas dénoncée par l'un des États au moins cinq ans avant l'expiration de la période de trente ans.

ART. 7. Les dispositions précédentes concernant les taxes de transport par chemin de fer n'infirmen en rien le contrat pour le transport de minerai sur la ligne d'Ofoten, conclu le 11/7 octobre 1898 entre l'État norvégien et la société anonyme de Loussavaara—Kiirunavaara, en ce qui concerne la quantité contractuelle de 1.200.000 tonnes. Si les gisements de Loussavaara—Kiirunavaara passent à un nouveau propriétaire, celui-ci ne pourra, en ce qui concerne le transport de la dite quantité, se prévaloir de la présente Convention pour obtenir d'autres conditions que celles stipulées par le contrat.

ART. 8. Les différends relatifs à l'interprétation ou à l'application de la présente Convention qui n'auront pu être réglés par des négociations diplomatiques directes, seront soumis à un Tribunal Arbitral composé de trois membres dont un sera nommé par chacun des deux États et le troisième par les deux membres ainsi désignés, ou, s'ils ne peuvent tomber d'accord sur ce choix, par le Président du Conseil Fédéral Suisse, ou, subsidiairement, de la manière prévue par les deux derniers alinéas de l'article 32 de la Convention de la Haye du 29 juillet 1899.

À défaut de clauses compromissaires contraires, le Tribunal Arbitral déterminera le lieu de sa réunion et la procédure arbitrale.

Fait à Stockholm, en double expédition, le 26 octobre 1905.

[L. S.] V. DITTEN.

[L. S.] F. CL: SON WACHTMEISTER.

*Convention concernant les lacs et cours d'eau communs.*

M. Thor de Ditten, Plénipotentiaire de la Norvège, et

M. le Comte Axel Frédéric Claesson Wachtmeister, Plénipotentiaire de la Suède,

S'étant réunis en vue de convertir en Convention formelle le projet de convention concernant les lacs et cours d'eau communs, approuvé par le Storting norvégien le 9 octobre 1905 et par le Riksdag suédois le 13 octobre 1905, et dûment autorisés à cet effet, ont signé, sans réserve de ratification, les articles qui suivent:

ARTICLE 1. S'il est question, sur le territoire de l'un des deux États, d'endiguer un lac, d'en abaisser le niveau ou d'en dériver les eaux, d'établir des constructions dans un cours d'eau, d'en dériver les eaux ou de prendre d'autres mesures en vue d'en modifier la profondeur, le lit ou la direction, c'est la législation de cet État qui sera appliquée en ce qui concerne le droit d'entreprendre les travaux, quand même ceux-ci pourraient influencer les eaux situées dans l'autre État. Les ressortissants de ce dernier État auront, pour faire valoir leurs droits, les mêmes facilités dont jouissent, dans des circonstances analogues, les ressortissants de l'État où seraient entrepris les travaux, et ils jouiront également des mêmes droits que ceux-ci pour tout ce qui concerne les conditions auxquelles est soumise l'exécution des dits travaux.

ART. 2. Conformément aux principes généraux du droit international, il est entendu que les travaux mentionnés à l'article 1 ne pourront être exécutés dans l'un des deux États sans le consentement de l'autre, chaque fois que ces travaux en influençant les eaux situées dans l'autre État, auraient pour effet soit de mettre des entraves sensibles à l'utilisation d'un cours d'eau pour la navigation ou le flottage, soit d'apporter autrement des changements sérieux aux eaux d'une région d'étendue considérable.

ART. 3. En ce qui concerne l'ouverture, le maintien et l'utilisation d'un cours d'eau pour la navigation ou le flottage, les ressortissants de chacun des États jouiront dans l'autre des mêmes droits et libertés que le ressortissants du pays.

ART. 4. La présente Convention s'applique à tous les lacs et cours d'eau communs aux deux États. Seront considérés comme communs les lacs et cours d'eau qui servent de frontière entre les deux États ou qui sont situés dans les territoires des deux ou qui se déversent dans les dits lacs et cours d'eau.

ART. 5. La présente Convention aura la durée de cinquante ans, à partir du 1 janvier 1906, et sera prolongée pour une nouvelle période de la même durée, si elle n'est pas dénoncée par l'un des États au moins cinq ans avant l'expiration de la période de cinquante ans.

ART. 6. Les différends relatifs à l'interprétation ou à l'application de la présente Convention qui n'auront pu être réglés par des négociations diplomatiques directes, seront soumis à un Tribunal Arbitral

composé de trois membres dont un sera nommé par chacun des deux États et le troisième par les deux membres ainsi désignés, ou, s'ils ne peuvent tomber d'accord sur ce choix, par le Président du Conseil Fédéral Suisse, ou, subsidiairement, de la manière prévue par les deux derniers alinéas de l'article 32 de la Convention de la Haye du 29 juillet 1899.

A défaut de clauses compromissaires contraires, le Tribunal Arbitral déterminera le lieu de sa réunion et la procédure arbitrale.

Fait à Stockholm, en double expédition, le 26 octobre 1905.

[L. s.] V. DITTEN.

[L. s.] F. CL: SON WACHTMEISTER.

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*Convention between the United Kingdom and France Concerning the New Hebrides. Signed at London, October 20, 1906. (Ratifications exchanged at London, January 9, 1907.)*

The Government of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the Government of the French Republic, having agreed, in a spirit of mutual good-will, to confirm the Protocol, prepared in conformity with the Declaration of the 8th April, 1904, by their respective Delegates concerning the New Hebrides;

The Undersigned, the Right Honourable Sir Edward Grey, a Baronet of the United Kingdom, a Member of Parliament, His Majesty's Principal Secretary of State for Foreign Affairs;

And His Excellency Monsieur Paul Cambon, Ambassador of the French Republic at the Court of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India;

Duly authorized to this effect, confirm the Protocol, drawn up at London, the 27th day of February, 1906, the text of which is as follows:

#### PROTOCOL

The Undersigned, Eldon Gorst, Assistant Under-Secretary of State for Foreign Affairs, Knight Commander of the Most Honourable Order of the Bath; Hugh Bertram Cox, Assistant Under-Secretary of State for the Colonies, Companion of the Most Honourable Order of the Bath; Marcel Saint-Germain, Senator, President of the Council of Administration of

the Colonial Office at the Ministry of the Colonies, Officer of the Order of Public Instruction, Holder of the Colonial Medal; Edouard Picanon, Inspector-General of the Colonies of the First Class, Governor of French Guiana, Officer of the Legion of Honor, Officer of the Order of Public Instruction, delegated respectively by the Government of His Britannic Majesty and by the Government of the French Republic, in order to draw up, in conformity with the Declaration of the 8th of April, 1904, concerning the New Hebrides, an arrangement which shall put an end to the difficulties arising from the absence of jurisdiction over the natives of the New Hebrides and settle the disputes of their respective nationals in the said islands with regard to landed property, have agreed to the following provisions, which they have resolved to submit for the approval of their respective Governments:

#### PREAMBLE

The Government of His Britannic Majesty and the Government of the French Republic, being desirous of modifying, as far as the New Hebrides are concerned, the Convention of the 16th November, 1887, respecting the New Hebrides and the islands leeward of Tahiti, in order to secure the exercise of their paramount rights in the New Hebrides and to assure for the future the better protection of life and property in the Group, have agreed on the following Articles:—

#### GENERAL PROVISIONS

ARTICLE I. *Status*.—1. The Group of the New Hebrides, including the Banks and Torres Islands, shall form a region of joint influence, in which the subjects and citizens of the two Signatory Powers shall enjoy equal rights of residence, personal protection, and trade, each of the two Powers retaining jurisdiction over its subjects or citizens, and neither exercising a separate control over the Group.

2. The subjects or citizens of other Powers shall enjoy the same rights and shall be subject to the same obligations as British subjects or French citizens. They must choose within six months between the legal systems of one of the two Powers. Failing such choice, the High Commissioners mentioned in Article II or their Delegates shall decide under which system they shall be placed.

3. In all matters not contrary to the provisions of the present Convention or the regulations made thereunder, the subjects and citizens of

the two Signatory Powers and the subjects and citizens of other Powers shall, within the New Hebrides, remain subject to the fullest extent to the laws of their respective countries.

4. The two Signatory Powers undertake not to erect fortifications in the Group and not to establish penal settlements of any kind.

ART. II. *Local Authorities.—Police.*—1. The Signatory Powers shall be represented in the Group by two High Commissioners, one appointed by His Britannic Majesty's Government, the other by the Government of the French Republic.

2. The High Commissioners shall each be assisted by a Resident Commissioner, to whom they shall delegate their respective powers, in so far as they consider it expedient, and who shall represent them in the Group when they do not reside there.

3. The High Commissioners or their Delegates shall be provided with a police force of sufficient strength to guarantee effectively the protection of life and property.

4. The force shall be divided into divisions of equal strength. Each of these two divisions shall be under the orders of one of the two Resident Commissioners, and shall in no case be employed otherwise than in conformity with the principles laid down by the present Convention.

5. When it is necessary to employ some or all of both divisions of the force in conformity with the present convention or of the regulations framed for its execution, the force shall be under the joint direction of the High Commissioners or their Delegates.

ART. III. *Seat of Government.*—1. The headquarters of each Government in the Group and the Joint Court provided for in Article X shall be at Vila, in the Island of Efate.

2. The two Signatory Powers undertake respectively to provide their Representatives with houses, and shall jointly erect quarters for the members of the Joint Court, together with a court-house, and offices for the public services to be undertaken in common.

3. The land required for these buildings shall be acquired by the two Powers jointly either by agreement or, if necessary, compulsorily.

ART. IV. *Public Services undertaken in Common.*—1. The following public services shall be undertaken in common; police, posts and telegraphs, public works, ports and harbours, buoys and lighthouses, public health, finance.

2. These public services shall be organized and directed by the High Commissioners and their Delegates jointly.

3. Special postage stamps shall be issued for the New Hebrides, in conformity with the International Postal Convention.

4. English and French money and bank-notes authorized by either Power shall be legal tender in the Group.

ART. V. *Financial Provisions*.—1. Each of the two Signatory Powers shall defray the expenses of its own administration in the Group.

2. The expenses of the Joint Court and of the public services undertaken in common shall be defrayed out of local taxes, to be imposed by the High Commissioners jointly, the receipts from fines and from the postal service, and all other revenue of a joint character.

In the event of the revenue from the above proving insufficient, the two Signatory Powers shall each pay one-half of the deficit.

ART. VI. *Joint Naval Commission*.—1. It shall be the duty of the Joint Naval Commission established by Article II of the Convention of the 16th November, 1887, to co-operate in maintaining order in the Group.

2. Except in case of urgency, it shall only act on the joint request of the two High Commissioners or their Delegates.

3. The Convention of the 16th November, 1887, the Declaration signed in Paris on the 26th January, 1888, between the British and French Governments, and the Regulations adopted on the same day by the two Governments as instructions for the Joint Naval Commission, shall remain in force, except where contrary to the present Convention.

4. The Joint Naval Commission shall send copies of the reports on its operations to each of the two High Commissioners and to each of the two Resident Commissioners.

ART. VII. *Legislation—Regulations*.—The High Commissioners shall have power to issue jointly, for the peace, order, and good government of the Group, as well as for the execution of the measures resulting from the present Convention, local regulations binding on all the inhabitants of the Group, and to enforce such regulations by penalties not exceeding one month's imprisonment or a fine of £20.

ART. VIII. *Native Administration*.—1. In the present Convention "native" means any person of the aboriginal races of the Pacific who is not a citizen or subject under the protection of either of the two Signatory Powers.

2. No native, as defined above, shall acquire in the Group the status of subject or citizen or be under the protection of either of the two Signatory Powers.

3. The High Commissioners and their Delegates shall have authority over the native Chiefs. They shall have power to make administrative and police regulations binding on the tribes, and to provide for their enforcement.



4. They shall respect the manners and customs of the natives, where not contrary to the maintenance of order and the dictates of humanity.

ART. IX. *Civil Status of the Natives*.—1. The persons appointed by the High Commissioners or their Delegates to receive declarations of births, deaths, and marriages for the subjects or citizens of their respective countries shall receive and enter on their registers all declarations of the same character which natives may wish to make for the purpose of acquiring civil status.

2. Entries so made shall be kept in a general register at the Registry of the Joint Court.

#### JOINT COURT

ART. X. *Composition*.—1. A Joint Court shall be established, consisting of three Judges, of whom one shall be President. A fourth officer shall act as Public Prosecutor, and shall have charge of the preliminary enquiries.

The Court shall be provided with a Registrar and the requisite staff.

2. Each of the two Governments shall appoint one Judge.

His Majesty the King of Spain shall be invited to appoint the third, who shall be President of the Court. The officer who acts as Public Prosecutor shall be appointed in the same manner. Neither of these two officers shall be a British subject or a French citizen.

The Registrar and the staff shall be appointed by the President.

3. If either of the two Governments considers that it has a cause of complaint against the President of the Joint Court, or the officer acting as Public Prosecutor, it shall inform the other Government.

If both Governments agree, they shall request His Majesty the King of Spain to appoint another person to fill the post.

If they disagree, His Majesty the King of Spain shall determine whether the complaint is justified, and whether the officer complained of shall be retained or superseded.

4. The arrangements as to salaries, travelling allowances, leave, acting appointments, and, in general, all matters relating to the working of the Joint Court, shall be settled by common agreement between the two Governments.

ART. XI. *Assessors*.—1. In the trial of criminal cases, the Joint Court shall be assisted by four Assessors, taken from the leading non-native inhabitants of the Group.

2. The Assessors shall be chosen by lot from a list drawn up jointly by the High Commissioners or their Delegates at the beginning of each year.

3. The Assessors shall have a vote in deciding the question of the guilt of the accused, but a consultative voice only in deciding the sentence.

1. The prosecutor and the defendant may each challenge two of the Assessors.

ART. XII. *Jurisdiction.*—The Joint Court shall have jurisdiction:

1. In civil (including commercial) cases:

A. Over all suits respecting land in the Group;

B. Over suits of every kind between natives and non-natives.

2. In police and criminal cases:

Over every offence or crime committed by natives against non-natives.

3. Generally:

Over the particular offences constituted by the present Convention or the regulations framed for the purpose of carrying it out.

ART. XIII. *Law applicable.*—The law applied shall be:

1. In civil (including commercial cases):

A. For land disputes, the principles laid down by the present Convention;

B. For other disputes, the law of the country to which the non-native party belongs or the legal system made applicable to him.

2. In police and criminal cases:

The law applicable to the non-native party injured.

3. In the case of other offences:

The principles laid down by the present Convention, or by the regulations framed for the purpose of carrying it out.

ART. XIV. *Procedure.*—1. The procedure before the Joint Court shall be based on the following:

A. In civil (including commercial) cases, the procedure followed: In England, in county courts; in France, before "justices de paix;"

B. In police cases, the procedure employed: In England, in courts of summary jurisdiction; in France, in police courts;

C. In criminal cases, the procedure employed: In England, in courts of quarter session; in France, in correctional courts.

2. The Joint Court shall determine and publish in the Group the modifications in the rules of procedure which may be necessitated by local circumstances, by the differences between the two systems of law, and by the provisions of the present Convention.

ART. XV. *Finality of Judgments.*—The judgments of the Joint Court shall be final.

ART. XVI. *Fees and Costs.*—1. The Court shall prescribe a table of fees to be taken in cases with which it deals, and for the registration of titles to land.

2. It shall determine the amount to be paid in respect of counsel's fees.

ART. XVII. *Counsel.*—1. A party may appear before the Joint Court by counsel.

2. With the exception specified in section 3 hereafter, every counsel must be first approved by the Court. The Court shall be empowered to suspend or withdraw the right of pleading.

3. The High Commissioners or their Delegates shall jointly appoint an official advocate to assist and represent before the Joint Court any native engaged in any suit or charged in a police or criminal case.

The fees of the official advocate, payable as prescribed by Article XVI above, shall be included in the joint budget.

4. A native may, however, if he so desires, be assisted by any other advocate whom he may select.

ART. XVIII. *Official Languages.*—Either the English or French language may be employed in proceedings before the Joint Court. In a suit between British subjects and French citizens, the proceedings shall be interpreted and the judgments shall be drawn up in both languages. The registers of the Court shall be kept in both languages.

ART. XIX. *Execution of the Judgments of the Joint Court.*—1. The execution of judgments shall be provided for:

A. In case of land disputes, by the High Commissioners or their Delegates acting in concert;

B. In civil cases, other than land disputes, and in police or criminal cases, or breach of regulations, by the High Commissioner or the Resident Commissioner of the country to which the non-native party or injured person belongs;

C. In the case of other offences committed by natives, either by the Resident Commissioners acting jointly or by officers jointly appointed for this purpose.

2. The authority charged with the execution of the penalty in a criminal or police case may reduce or remit such penalty.

ART. XX. *National Jurisdiction.*—1. The two Governments mutually undertake to establish in the Group, in conformity with their existing legal systems, Courts with jurisdiction over all civil suits, subject to the reservations and exceptions laid down in the present Convention.

2. Civil suits between non-natives, other than land suits, shall be brought before the Court having jurisdiction over the defendant.

3. In criminal cases, non-natives shall be justiciable by the Court of their own nationality or the nationality applied to them.

ART. XXI. *Suits brought by consent before the Joint Court.*—1. Both non-natives and natives may, where the parties consent, bring their suit before the Joint Court.

2. In suits between non-natives, the law applicable to the defendant shall be applied; the same rule shall be followed with regard to procedure, subject to Article XIV above.

3. In suits between natives, the Court shall decide according to substantial justice, respecting, as far as possible, the native customs and the general principles of law. It may determine, as required, the procedure to be followed, reducing it to the minimum consistent with the proper administration of justice.

PROVISIONS RELATING TO LAND.

ART. XXII. *Land Suits between Non-natives and Natives.*—1. In land suits, the rights of non-natives may be proved either by occupation or by title-deeds establishing the sale or grant of the land in question.

2. When occupation is made the sole ground of a claim to ownership, visible and material proofs must be forthcoming, such as buildings, plantations, cultivation, cattle-rearing, improvements, clearings, or fencing. Occupation must be *bona fide*, and have been continuous during three years at least.

3. When the claim to property is based on a title-deed coupled with occupation, the Court shall endeavour to ascertain whether the holder of the title-deed has substantially asserted his occupation by material acts showing that he has taken possession, such as: improvements of the land in any manner, even in part; construction of roads, bridges, or paths; surveys; delimitation; erection of sign posts to mark boundaries; habitual enjoyment of the produce; or other acts proving open exercise of the right of ownership. The Court shall decide how far these acts can be held to cover the whole extent of the property in dispute, and shall confirm the claim in whole or in part accordingly.

4. When the claim to a property is founded on a title-deed alone, and this title-deed has been either lodged in a notary's office or registered in New Caledonia, Fiji, or the New Hebrides, at a date subsequent to the 31st December, 1895, or else, on a title-deed which, whatever its date, has not been lodged in a notary's office or registered, this title-deed can only be rendered void if it is proved:

*a.* That the agreement is not signed by the vendor or grantor, or by some person duly authorized by him, or that if the vendor or grantor did not know how to write or was incapable of signing, the agreement is not attested by two witnesses or in some other manner that establishes its authenticity according to English or French law;

*b.* That the vendor or grantor did not understand the effect of the agreement;

*c.* That the agreement was obtained by fraud, violence, or other improper means;

*d.* That the terms and conditions of the agreement have not been fulfilled;

*e.* That the land sold was not the land of the vendor or grantor or his tribe.

If the Court finds that the rights of the vendor or grantor extended only to part of the land in dispute, it may recognize the sale or grant to the extent of such part, and fix the boundaries thereof.

5. When the title-deed establishing the sale or grant of the land in dispute has been either lodged in a notary's office or registered in New Caledonia, Fiji, or the New Hebrides, at a date prior to the 1st January, 1896.

A. The right of action cannot be admitted:

*a.* Unless the claimant can prove, according as he acts in his own name or in his own personal interests or as Chief of his tribe and in its interests, that he or his tribe have a present right to the occupation of the land in dispute, and that this right would be infringed. If this right extends to part only of the property in dispute, the Court shall only entertain the action as to this part, if necessary, fixing the boundaries thereof;

*b.* If it is proved that prior to the 1st January, 1896, a transaction took place indicating that the title-deed applied to a property held lawfully and in good faith; in particular, if it has been conveyed regularly and in good faith between non-natives for valuable consideration in accordance with the regulations and forms prescribed by the law of civilized peoples.

If in such a case the Court should, nevertheless, consider that the rights of the native claimant or his tribe would be infringed, it may, while confirming the title, order the payment of reasonable compensation to the said native party, or may reserve a portion of the land for this party in conformity with the general declaration contained in Article XXIV hereafter.

B. When the right of action is admitted, and the case is considered on the merits, the title-deed can only be invalidated if it is proved:

a. That the agreement is not signed by the vendor or grantor, or by some person duly authorized by him, or that, if the vendor or grantor did not know how to write, or was incapable of signing, the agreement is not attested by two witnesses or in some other manner that establishes its authenticity according to English or French law;

b. That the agreement was obtained by fraud, violence, or other improper means;

c. That the land granted or sold was not the land of the vendor or grantor or his tribe.

If the Court finds that the rights of the vendor or grantor or his tribe extended only to a part of the land in dispute, it may recognize the sale or grant to the extent of that part, and fix the boundaries thereof. The Court may, in any case except where bad faith has been proved on the part of the grantee, confirm the title to the whole or part of the property, subject to the reservation for the native claimants, if the circumstances require it, of sufficient land for their needs, and the determination of the rights of way or other easements to be secured to them over the whole country.

ART. XXIII. *Land Suits between Non-natives.*—1. When no question arises as to the original land transaction with the natives, the Court shall be bound by the laws of the defendant's country.

2. Whenever questions do arise as to the original transaction with the native, the Regulations laid down in Article XXII shall be observed by the Court in all that concerns that transaction.

In cases covered by the same Article [5 (A), (b), 2d paragraph] the Court shall indicate, if necessary, by which of the non-native litigants the payment of compensation is due.

3. When the Court, upon the evidence before it, considers that it cannot decide the questions that arise as to the original transaction with the native—as, for instance, when it is confronted with two or more title-deeds, neither of which it is able to confirm as giving a good title—the Court shall decide according to the circumstances of the case, due regard being paid to priority of title.

ART. XXIV. *Provisions common to all Land Suits.*—1. In cases where land acquired in good faith has been improved or cultivated on the strength of a title which is found to be defective, this title may be confirmed in whole or in part upon the payment by the occupier to the person or persons entitled thereto of an indemnity, the amount of which shall be determined by the Court.



2. If the Court considers it necessary to decree the eviction of a *bonâ fide* occupier, it may order the payment of reasonable compensation to him.

3. Whenever it shall consider it necessary, the Court may assign to native claimants reserves of land in proportion to their requirements, and may determine the easements necessary to secure to them the full enjoyment of these reserves.

4. An occupier or holder of a title-deed who has been evicted shall, in the case of subsequent sale or grant of land and unless his bad faith has been established, enjoy a prior claim to the repurchase of the property from which he has been evicted. If the owner and the occupier or holder of a title-deed who has been evicted should disagree as to the amount to be fixed as the price of repurchase, the Court shall determine the amount. If there are several evicted persons claiming to exercise the prior right above specified, the Court shall fix, according to the facts of the case, the order in which these persons shall be entitled to exercise this right.

5. When a title-deed to a disputed property does not contain an adequate description of the land, the Court shall investigate and determine the situation and boundaries thereof.

6. It shall be the first duty of the Court, in all land suits, to endeavour to effect an amicable arrangement between the litigants.

7. Generally, the Court shall, in its decisions, pay due regard to the interests of the native populations and those of the non-native purchasers whose bad faith has not been established.

ART. XXV. *Entry of Judgments.*—1. When the Court, in conformity with the above regulations, shall have decided that a claim is valid, its decision shall be entered in a land register.

This entry shall declare:

A. The situation, extent, and boundaries of the land in question;

B. The nature of the rights granted, and any limitations thereof.

2. A copy of the entry shall constitute a conclusive title to land.

ART. XXVI. *Registration of Titles.*—1. Any person may, though no dispute exists, require the Court to enter in the above-mentioned register a title-deed in his favour, and may obtain a copy thereof duly certified.

2. The Court shall cause the applications for registration to be published in the prescribed form. They shall be complied with and given effect to unless, within a period of one year from the date of their publication, they have been opposed. In case of opposition, the Court shall deal with them in accordance with the provisions of Articles XXII,

XXIII, and XXIV above, and action must be taken by the objector before the Court within six months, or his claim will be barred.

3. Copies of the entries in the register issued in accordance with the above provisions shall constitute title-deeds transferable by way of endorsement. No subsequent charge on or transfer of property shall affect the land unless and until it is entered in the register and inscribed on the copy issued.

ART. XXVII. *Sales and Grants of Land subsequent to the Convention.*—1. From the date when the present Convention comes into operation, no sale or grant of land by a native to a non-native shall be valid, except on the following conditions:

2. The sale or grant shall be effected by a written document, and shall take place in the presence of four witnesses, two of whom shall be natives, and of an officer or agent of one of the two Signatory Powers, or some other person duly authorized for the purpose, either by the President of the Joint Court or by the High Commissioners or their Delegates acting in concert.

3. The officer, agent, or persons duly authorized shall testify to the presence and qualification of the witnesses, shall ascertain that the vendor or grantor was a free agent, understood the effect of his act, received the price or consideration agreed on, and was satisfied therewith, shall state these facts on the title-deed; shall mention in it the situation and boundaries of the land; and shall date and sign it, at the same time as the parties and witnesses capable of signing.

4. The purchaser or grantee shall, within six months from the date of the deed, make an application to the Joint Court for registration. This application shall be dealt with in accordance with Article XXVI of the present Convention.

5. If the Court considers that the price or consideration mentioned in the deed is manifestly inadequate, having regard to the importance of the land granted or sold, it may, as a preliminary to registration, order the payment of a larger sum or a further consideration.

6. In the event of the grantee failing to comply with the decision of the Court within six months from the date of such decision, the sale shall be cancelled *in toto*, and the sum of money or the consideration received by the native restored.

7. If the native is unable to restore such sum, the Court shall decide how much of the property represents the sum or consideration received by the native, and shall confirm the grantee in possession of such part.

8. Whenever the High Commissioners or their Delegates jointly consider that the amount of land acquired from the natives in one of the

islands of the Group is so great that the land remaining undisposed of is indispensable for the needs of the natives, they may prohibit any new sale or grant of land in such island to non-natives.

9. Land reserved for the natives, either by the Joint Court, in accordance with Article XXIV of this Convention, or by the High Commissioners of their Delegates, under the preceding paragraph, may not be sold or granted to non-natives so long as the authority by whom the reserve was constituted does not cancel or modify its decision.

#### SUPERVISION OF SHIPPING

ART. XXVIII. *Vessels registered in the Group.*—1. No vessels other than those intended to sail under the flag of one of the two Signatory Powers shall be registered in the Group of the New Hebrides, including the Banks and Torres Islands.

2. Each High Commissioner shall prescribe the regulations affecting the navigation in the Group of the vessels sailing under the flag of the Power which he represents.

3. The High Commissioners, the Resident Commissioners, and the persons appointed for the purpose shall, with regard to vessels sailing in the Group under the flag of the Power which they represent, exercise respectively the supervision, protection, and policing necessary to insure the carrying out of these regulations without prejudice to the rights to which the vessels of that Power are legally entitled.

ART. XXIX. *Vessels not registered in the Group.*—The present Convention shall not affect the rules laid down by the respective laws and regulations of the Power under whose flag the vessel sails, in the case of any vessel registered outside the Group.

ART. XXX. *General Rules for all Vessels.*—1. The High Commissioners shall jointly prescribe general rules applicable to all vessels, with regard to the conditions under which these vessels may use the ports and harbours of the Group.

2. They shall jointly enforce these rules, either personally or through their Delegates.

#### RECRUITMENT OF NATIVE LABOURERS

ART. XXXI. *Recruiting License.*—1. No vessel shall recruit native labourers in the New Hebrides, including the Banks and Torres Islands, unless she sails under the flag of one of the two Signatory Powers, and unless she is provided with a recruiting license issued by the High Com-

missioner representing the Signatory Power under whose flag the vessel is sailing, or by his Delegate.

2. In the case of professional recruiters, the recruiting license shall only be issued on the deposit of 80£., as security, with the agent appointed by the High Commissioner, whose duty it will be to issue the recruiting license, or by his Delegate.

3. The High Commissioners shall inform one another every month of recruiting licenses which they have issued. The same rule shall apply to their Delegates.

4. The recruiting licenses shall be valid for one year only.

ART. XXXII. *Register of Engagements*.—All masters of recruiting vessels shall keep a register of engagements, in which there shall be entered without delay the name, sex, identification marks, the name of the tribe, place of recruiting, and place of destination of every native recruited, the name of the employer, the length of the engagement, the sum agreed upon by way of premium and wages, and the amount of the advance paid to the native at the time of engagement.

ART. XXXIII. *Engagement of Women and Children*.—1. Women shall only be engaged:—

If they are married, with the consent of their husbands;

If they are unmarried, with the consent of the Head of the tribe.

Children shall only be engaged if they are of a certain minimum height, to be fixed by the Resident Commissioners jointly.

ART. XXXIV. *Length of Engagements*.—1. No engagements shall be concluded for more than three years.

2. They shall date from the day the labourer lands in the island where he is to be employed, but the time spent on board ship by the labourer shall count for wages.

ART. XXXV. *Deaths on Board Recruiting Vessels*.—1. A report in duplicate on every death occurring on board a recruiting vessel shall be drawn up immediately by the master. Such report shall describe the circumstances under which the death occurred.

2. Within twenty-four hours an inventory in duplicate shall also be drawn up of the effects left on board by the deceased. The amount of the wages to which the labourer is entitled from the day of engagement to the day of his death shall be stated in this inventory.

3. The master shall, on arrival, transmit to the competent authority a copy of the report and inventory, as well as the objects and articles of value belonging to the deceased, and the premium and wages to which he was entitled.

The second copy of the report and the inventory shall be annexed to the register of engagements.

ART. XXXVI. *Sickness of Labourers on Landing.*—Every native recruited who, on landing, is found to be in such a state of health as to incapacitate him for the work for which he was engaged, shall be cared for at the expense of the recruiter, and the time spent in hospital and the time during which he is unable to work shall be included in the term of engagement.

ART. XXXVII. *Delivery of Labourers to their Employers.*—A recruiter who is acting as an agent for other persons cannot divest himself of his responsibility for the natives whom he has engaged until the signature of the employer has been affixed by the register of engagements opposite the name of the labourer.

ART. XXXVIII. *Submission of Registers of Engagements on Arrival.*—1. Within twenty-four hours of their arrival, all masters of recruiting vessels shall be obliged to present their register of engagements for signature by the competent person.

2. If irregularities are detected in the operations of the recruiter or in the keeping of the register of engagements, an official report shall be immediately drawn up by the person to whom the register has been submitted. This report shall be sent without delay to the competent authority.

The same course shall be followed if the register is not produced within the prescribed period.

ART. XXXIX. *Notification of Engagements.*—1. Every engagement of a native labourer shall be notified by his employer within three days from the date of landing.

The notification shall be made to the Resident Commissioner, to whose jurisdiction the employer is subject, or to the person appointed for the purpose.

2. The notification shall be registered, and the contract shall be signed by the Resident Commissioner, or by the person appointed for the purpose.

3. The two Resident Commissioners shall communicate to each other every month a list of the notifications of engagements received by them, or by the persons appointed for the purpose.

ART. XL. *Re-engagement.*—1. At the termination of the period of his engagement the labourer shall not enter into a fresh engagement—if he has not been previously sent home—without an authority in writing from the Resident Commissioner entitled to receive the notification of engagement, or from the person appointed for the purpose.

2. The authority shall only be given after the native has been examined in the presence of the employer, two non-native witnesses, and two witnesses, selected as far as possible from the same tribe as the labourer, and if the latter, of his own free will, declares that he wishes to re-engage.

3. No re-engagement shall exceed the term of one year. It shall be renewable on the same conditions.

ART. XLI. *Records of Engagements*.—1. Every employer shall keep posted up to date a separate record for each labourer in his service.

2. There shall be entered in this record the name and sex of the labourer, the identification marks, the name of the tribe, the place and date of recruiting, the name of the recruiter, the name of the vessel, and the duration and conditions of his engagement, as stipulated in the contract.

The days of absence from work on account of illness shall be entered by the employer in the record, and also any other days of absence.

ART. XLII.—*Additional Periods of Work*.—1. The time lost through absence without good cause shall be added to the term of engagement.

2. A labourer may further be retained after his term of engagement expires as a punishment for breaches of discipline to which he has been duly sentenced. In such case, the additional period of labour shall not exceed two months for each year of engagement.

ART. XLIII. *Transfer of Engagements*.—1. No transfer of a contract of engagement shall be permitted unless freely accepted by the labourer and authorized by the Resident Commissioner entitled to receive the notification of engagement, or by the person appointed for the purpose.

2. If the transfer is between British subjects or French citizens, the authority shall be jointly given by the two Resident Commissioners.

ART. XLIV. *Duties of Employers*.—1. Employers must treat their labourers with kindness. They shall refrain from all violence towards them.

2. They must supply them with sufficient food, according to the custom of the country, including rice, at least once a day, as part of their meals.

The Resident Commissioners shall fix jointly the amount of rice to be supplied to the labourers.

3. Employers must further provide their labourers with adequate shelter, the necessary clothing, and medical care in case of illness.

ART. XLV. *Working Hours*.—1. Labourers shall not be obliged to work except between sunrise and sunset.



2. They shall have daily, at the time of their mid-day meal, at least one clear hour of rest.

3. Except for domestic duties and the care of animals, labourers shall not be obliged to work on Sundays.

ART. XLVI. *Payment of Wages.*—1. Wages shall be paid exclusively in cash.

2. Payment shall be made, either before a person appointed for the purpose by the Resident Commissioner entitled to receive the notification of engagement, or, failing this, in the presence of two non native witnesses, who shall certify the payment in the record above referred to by affixing their signatures by the side of that of the employer.

3. When it is obviously impossible for an employer to make use of this method of verification, he shall himself be authorized by the competent Resident Commissioner, or by the person appointed for the purpose, to enter the payment of the wages in the record.

4. Whenever the record does not show the rate of wages agreed upon at the time of the engagement, the rate shall be taken to be 10s. a month, and the employer shall not be allowed to produce evidence to show that a lower rate had been agreed upon.

ART. XLVII. *Deposit of Wages.*—1. Part of the wages may be deposited by the employers with the Resident Commissioner entitled to receive the notification of engagement, or the person appointed for the purpose, to be paid subsequently to the labourer, either during the term of engagement or at the expiration of such term, according as he desires.

The free consent of the labourer must be given before any part of his wages can be so dealt with.

2. The Resident Commissioner or the person appointed for the purpose may at any time order the retention and deposit of part of a labourer's salary.

ART. XLVIII. *Punishments.*—Any labourer who has given his employer just cause of complaint in respect of his conduct or work may, at the instance of his employer, be punished by the Resident Commissioner concerned or the person appointed for the purpose, by the imposition of extra work, by a fine, by prolongation of the term of engagement, within the limits provided in Article XLII, or by a summary punishment not exceeding one month's imprisonment.

ART. XLIX. *Absence without good Cause.*—1. Any labourer who without permission leaves his employer shall be liable in like manner to one of the summary punishments prescribed by preceding Article, and shall be sent back to his employer to finish his term of engagement.

2. No one shall receive or employ or take on board any vessel a labourer who has left his employer without permission.

ART. L. *Death during Engagements.*—In the event of the death of a labourer, the employer shall be subject to the same obligations as those imposed by Article XXXV on masters of recruiting vessels.

ART. LI. *Repatriation.*—1. Every labourer who has completed his term of engagement shall be returned to his home at the first convenient opportunity by and at the expense of his employer.

2. Such labourer shall be taken back to the place where he was recruited, or, if this is impossible, to the nearest place thereto, from which the labourer can without danger rejoin his tribe.

3. In the case of unjustifiable delay exceeding one month in returning a labourer, the Resident Commissioner concerned, or the person appointed for the purpose, shall provide, at the expense of the employer, for the return of the labourer to his home at the earliest opportunity.

4. In case of persistent ill-treatment of a labourer, the Resident Commissioner concerned shall have the right, after two written warnings addressed to the employer, to cancel the contract and provide for the return home of the labourer at the employer's expense.

5. The Resident Commissioner concerned may in like manner cancel the contract and return a labourer to his home if the labourer did not freely consent to the engagement, or if he did not clearly understand and freely accept the terms of the engagement. In that case the expenses of returning him to his home shall be borne by the recruiter.

ART. LII. *Register of Repatriation.*—1. The names of labourers returned to their homes shall be entered on a register kept by the master of the vessel, in a similar form to that prescribed by Article XXXII, for keeping the register of engagements.

2. The signature of the employer upon the register shall prove that the labourer who is to be returned to his home has been handed over to the master of the vessel.

3. The master shall enter in the register the date when the native so to be returned to his home was put on shore, and shall mention the exact spot where he was landed.

4. The rules prescribed by Article XXXVIII with regard to the submission and signature of the register of engagements shall be applicable to the register of repatriation.

ART. LIII. *Death during the Return Passage.*—In the event of the death of a labourer occurring during the return passage, the master of the vessel shall proceed as prescribed by Article XXXV.

ART. LIV. *Powers of Control.*—1. The High Commissioners, the

Resident Commissioners, and the persons appointed by them for the purpose, shall have, with regard to their respective nationals, the right to employ any method of inquiry which may be necessary to ensure, as far as the recruiting and engagement of native labourers are concerned, the execution of the present Convention.

Employers shall be bound, for this purpose, to produce any labourer at the request of the competent authority.

2. A report shall be drawn up with regard to any irregularity or breach of regulations which may be discovered,<sup>1</sup> and shall be forwarded without delay to the competent authority. The report shall be *primâ facie* evidence of the facts stated therein.

ART. LV. *Short Engagements and Employment of Native Labourers without Engagement.*—1. Non-natives may employ natives without restriction provided that they are not engaged for more than three months, with the option of renewal, and provided they are not removed to an island more than 10 miles from the island of their tribe.

2. They may, in any case, employ without restriction natives who are known to have served non-natives for at least five years, and who are familiar with a European language or the vernacular in use between non-natives and natives.

ART. LVI. *Penalties.*—1. Any infringement by non-natives of the terms of the present Convention regarding the recruiting and engagement of native labourers shall be punishable by a fine of from 4s. to 20l. and by imprisonment of from one day to one month, or by either of the above penalties.

2. Damages may also be awarded to labourers for any injury suffered by them.

3. The Joint Court shall inflict the penalties and assess the damages.

4. In the event of conviction on a serious charge, or for a second offence, the recruiting licence, as well as the right of engaging labourers, may be withdrawn for a period not exceeding two years by the High Commissioner for the country to which the recruiter or employer belongs.

#### ARMS, AMMUNITION, AND INTOXICATING LIQUORS

ART. LVII. *Prohibition of the Sale of Arms and Ammunition to Natives.*—1. Subject to the specific exceptions hereafter enumerated, no person shall from the date when the present Convention comes into operation, sell or supply arms or ammunition to the natives, either directly or indirectly, in the New Hebrides, including the Banks and Torres Islands, and within the territorial waters of the Group.

2. Shot guns and cartridges for sporting purposes are exempted.

3. The present prohibition shall extend to rifles, revolvers, and other repeating weapons and the ammunition used for such arms, separate parts for the conversion of sporting guns into military weapons, ball cartridges, and all kinds of explosives, other than cartridges especially made for shot guns.

ART. LVIII. *Exceptions.*—1. The two Governments reserve to themselves the right to arm the natives who form part of the regular police forces.

2. If a non-native temporarily entrusts to a native employed by him, and solely for the purpose of that employment, prohibited arms or ammunition, it shall not be considered to constitute an offence against Article LVII.

ART. LIX. *Prohibition of the Sale of Intoxicating Liquors to Natives.*—

1. From the date when the present Convention comes into operation no person shall, in the New Hebrides, including the Banks and Torres Islands, and within the territorial waters of the Group, sell or supply intoxicating liquors to the natives, in any form and on any pretext whatsoever.

2. Alcoholic drugs or cordials employed in case of disease or sickness are not included in the present prohibition.

3. The present prohibition shall cover spirits, beer, wine, and generally all fermented intoxicating liquors.

ART. LX. *Report of Offences.*—1. Breaches of Articles LVII and LIX, respecting the prohibition of the supply of arms, ammunition, and intoxicating liquors to the natives, shall be reported by the officers and agents of the police force, specially authorized for this purpose by the High Commissioners or their Delegates jointly.

2. The official report drawn up in accordance with paragraph (1) shall be *prima facie* evidence before the competent authority of the facts contained therein.

3. Any officer or agent of the police force holding an authority to that effect, who finds a native in possession of a prohibited weapon, or in a state of intoxication in a public place, shall arrest him, and after inquiry into the circumstances of the offence, shall draw up an official report for the information of the High Commissioners or their Delegates.

If the offence is proved, the native shall be punished by the Resident Commissioner having authority over the members of the police force making the arrest, or by the person appointed for the purpose, and the non-native suspected of complicity shall be prosecuted before the Joint Court.

4. Members of the police force shall not enter the house or premises of a non-native without his consent except as provided in the rules of procedure issued by the Joint Court, or the Regulations issued by the authority having jurisdiction over him.

Search-warrants, when considered necessary in the case of a non-native, shall be issued by the Judge with jurisdiction over him.

ART. LXI. *Penalties.*—1. Any breach by non-natives of Article LVII, LIX, and LX shall be punishable by a fine of from 4s. to 20l. and imprisonment ranging from one day to one month, or by either of these penalties.

2. The Joint Court shall inflict the penalties and may further order the forfeiture of the arms, ammunition, or intoxicating liquors, and shall decide as to their disposal or destruction.

#### MUNICIPALITIES

ART. LXII. *Establishment of Municipalities.*—1. Municipalities may be established in the Group, on the application of the non-native inhabitants.

2. Applications for the establishment of municipalities shall be addressed to one or other of the High Commissioners or their Delegates. The latter shall communicate such requests to one another, and determine jointly what action shall be taken thereon.

3. Applications made by a group of not less than thirty non-native adult inhabitants residing in the same district shall be, as far as possible, complied with.

ART. LXIII. *Councils.*—1. Every municipality shall be administered by a Council consisting of not less than four, and not more than eight members.

2. The Council shall elect a Chairman and a Deputy Chairman from its members.

3. The Councillors shall hold office for four years.

ART. LXIV. *Elections.*—1. Non-natives of either sex and any nationality, who have completed their twenty-first year and have resided for six months at least in the district, shall be entitled to vote, with the exception of those who have served a sentence of more than three months' imprisonment.

2. Voters of either sex who have completed their twenty-fifth year shall be eligible for election.

3. The first elections shall take place within three months of the establishment of a municipality.

4. The elections shall take place under the supervision of two persons respectively appointed by the two Resident Commissioners.

ART. LXV. *Functions of the Councils.*—The Council shall pass the annual municipal budget, vote the necessary local taxation, initiate and carry out municipal works, decide upon the establishment of schools and charitable institutions, and, in general, take all measures necessary for the welfare of the local community.

ART. LXVI. *Temporary Provisions.*—The two existing municipal bodies in the island of Efate shall be recognized as municipalities.

Members of these bodies may continue to hold office till the termination of the period for which they were elected.

ART. LXVII. *Supplementary Regulations.*—The High Commissioners or their Delegates shall prescribe jointly the regulations for enforcing the provisions of Articles LXII to LXVIII.

#### FINAL PROVISION

ART. LXVIII. *Duration of the Convention.*—The provisions laid down by the present Convention shall remain in force until new provisions are substituted in virtue of an Agreement between the Signatory Powers.

In witness whereof the undersigned Delegates have drawn up and signed the present Protocol.

Done in London, in duplicate, the 27th day of February, in the year of our Lord, 1906.

[Signed]

ELDON GORST.  
HUGH BERTRAM COX.  
SAINT-GERMAIN.  
E. PICANON.

The present Convention shall come into operation as soon as it is proclaimed in the Group by the two High Commissioners or their Delegates acting in concert, such proclamation to be made as soon as possible.

In witness whereof the Undersigned have signed the present Convention and have thereto affixed their seals.

Done in duplicate at London, the 20th October, 1906.

[L. S.] E. GREY.  
[L. S.] PAUL CAMBON



*Convention for the Amelioration of the Condition of the Sick and Wounded of Armies in the Field. Signed at Geneva, July 6, 1906*

His Majesty the Emperor of Germany, King of Prussia; His Excellency the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Royal Highness the Prince of Bulgaria; His Excellency the President of the Republic of Chile; His Majesty the Emperor of China; His Majesty the King of the Belgians, Sovereign of the Congo Free State; His Majesty the Emperor of Corea; His Majesty the King of Denmark; His Majesty the King of Spain; the President of the United States of America; the President of the United States of Brazil; the President of the United Mexican States; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Honduras; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; the President of the Oriental Republic of Uruguay,

Being equally animated by the desire to lessen the inherent evils of warfare as far as is within their power, and wishing for this purpose to improve and supplement the provisions agreed upon at Geneva, on August 22, 1864, for the amelioration of the condition of the wounded of armies in the field,

Have decided to conclude a new convention to that effect, and have appointed as their plenipotentiaries, to wit: \* \* \*

The President of the United States of America:

Mr. William Cary Sanger, former Assistant Secretary of War of the United States of America,

Vice-Admiral Charles S. Sperry, President of the Naval War College,  
Brigadier-General George B. Davis, Judge-Advocate General of the Army,

Brigadier-General Robert M. O'Reilly, Surgeon-General of the Army,  
(NOTE. In the list of plenipotentiaries following above, Vice-Admiral

Charles S. Sperry, President of the Naval War College, should be *Rear-Admiral Charles S. Sperry, &c., &c.*)

Who, after having communicated to each other their full powers, found in good and due form, have agreed on the following:

#### CHAPTER I

##### *The sick and wounded*

ARTICLE I. Officers, soldiers, and other persons officially attached to armies, who are sick or wounded, shall be respected and cared for, without distinction of nationality, by the belligerent in whose power they are.

A belligerent, however, when compelled to leave his wounded in the hands of his adversary, shall leave with them, so far as military conditions permit, a portion of the personnel and matériel of his sanitary service to assist in caring for them.

ART. 2. Subject to the care that must be taken of them under the preceding article, the sick and wounded of an army who fall into the power of the other belligerent become prisoners of war, and the general rules of international law in respect to prisoners become applicable to them.

The belligerents remain free, however, to mutually agree upon such clauses, by way of exception or favor, in relation to the wounded or sick as they may deem proper. They shall especially have authority to agree:

1. To mutually return the sick and wounded left on the field of battle after an engagement.

2. To send back to their own country the sick and wounded who have recovered, or who are in a condition to be transported, and whom they do not desire to retain as prisoners.

3. To send the sick and wounded of the enemy to a neutral state, with the consent of the latter and on condition that it shall charge itself with their internment until the close of hostilities.

ART. 3. After every engagement the belligerent who remains in possession of the field of battle shall take measures to search for the wounded and to protect the wounded and dead from robbery and ill treatment.

He will see that a careful examination is made of the bodies of the dead prior to their interment or incineration.

ART. 4. As soon as possible each belligerent shall forward to the authorities of their country or army the marks or military papers of

identification found upon the bodies of the dead, together with a list of names of the sick and wounded taken in charge by him.

Belligerents will keep each other mutually advised of internments and transfers, together with admissions to hospitals and deaths which occur among the sick and wounded in their hands. They will collect all objects of personal use, valuables, letters, etc., which are found upon the field of battle, or have been left by the sick or wounded who have died in sanitary formations or other establishments, for transmission to persons in interest through the authorities of their own country.

ART. 5. Military authorities may make an appeal to the charitable zeal of the inhabitants to receive and, under its supervision to care for the sick and wounded of the armies, granting to persons responding to such appeals special protection and certain immunities.

## CHAPTER II

### *Sanitary formations and establishments*

ART. 6. Mobile sanitary formations (*i. e.*, those which are intended to accompany armies in the field) and the fixed establishments belonging to the sanitary service shall be protected and respected by belligerents.

ART. 7. The protection due to sanitary formations and establishments ceases if they are used to commit acts injurious to the enemy.

ART. 8. A sanitary formation or establishment shall not be deprived of the protection accorded by article 6 by the fact:

1. That the personnel of a formation or establishment is armed and uses its arms in self-defense or in defense of its sick and wounded.

2. That in the absence of armed hospital attendants, the formation is guarded by an armed detachment or by sentinels acting under competent orders.

3. That arms or cartridges, taken from the wounded and not yet turned over to the proper authorities, are found in the formation or establishment.

## CHAPTER III

### *Personnel*

ART. 9. The personnel charged exclusively with the removal, transportation, and treatment of the sick and wounded, as well as with the administration of sanitary formations and establishments, and the chaplains attached to armies, shall be respected and protected under all circumstances. If they fall into the hands of the enemy they shall not be considered prisoners of war.

These provisions apply to the guards of sanitary formations and establishments in the case provided for in section 2 of Article 8.

ART. 10. The personnel of volunteer aid societies, duly recognized and authorized by their own governments, who are employed in the sanitary formations and establishments of armies, are assimilated to the personnel contemplated in the preceding article, upon condition that the said personnel shall be subject to military laws and regulations.

Each state shall make known to the other, either in time of peace, or at the opening, or during the progress of hostilities, and in any case before actual employment, the names of the societies which it has authorized to render assistance, under its responsibility, in the official sanitary service of its armies.

ART. 11. A recognized society of a neutral state can only lend the services of its sanitary personnel and formations to a belligerent with the prior consent of its own government and the authority of such belligerent. The belligerent who has accepted such assistance is required to notify the enemy before making any use thereof.

ART. 12. Persons described in articles 9, 10, and 11 will continue in the exercise of their functions, under the direction of the enemy, after they have fallen into his power.

When their assistance is no longer indispensable they will be sent back to their army or country, within such period and by such route as may accord with military necessity. They will carry with them such effects, instruments, arms, and horses as their private property.

ART. 13. While they remain in his power, the enemy will secure to the personnel mentioned in article 9 the same pay and allowances to which persons of the same grade in his own army are entitled.

#### CHAPTER IV

##### *Matériel*

ART. 14. If mobile sanitary formations fall into the power of the enemy, they shall retain their matériel, including the teams, whatever may be the means of transportation and the conducting personnel. Competent military authority, however, shall have the right to employ it in caring for the sick and wounded. The restitution of the matériel shall take place in accordance with the conditions prescribed for the sanitary personnel, and, as far as possible, at the same time.

ART. 15. Buildings and matériel pertaining to fixed establishments shall remain subject to the laws of war, but can not be diverted from their use so long as they are necessary for the sick and wounded. Com-

manders of troops engaged in operations, however, may use them, in case of important military necessity, if, before such use, the sick and wounded who are in them have been provided for.

ART. 16. The matériel of aid societies admitted to the benefits of this convention, in conformity to the conditions therein established, is regarded as private property and, as such, will be respected under all circumstances, save that it is subject to the recognized right of requisition by belligerents in conformity to the laws and usages of war.

#### CHAPTER V

##### *Convoys of evacuation*

ART. 17. Convoys of evacuation shall be treated as mobile sanitary formations subject to the following special provisions:

1. A belligerent intercepting a convoy may, if required by military necessity, break up such convoy, charging himself with the care of the sick and wounded whom it contains.

2. In this case the obligation to return the sanitary personnel, as provided for in article 12, shall be extended to include the entire military personnel employed, under competent orders, in the transportation and protection of the convoy.

The obligation to return the sanitary matériel, as provided for in article 14, shall apply to railway trains and vessels intended for interior navigation which have been especially equipped for evacuation purposes, as well as to the ordinary vehicles, trains, and vessels which belong to the sanitary service.

Military vehicles, with their teams, other than those belonging to the sanitary service, may be captured.

The civil personnel and the various means of transportation obtained by requisition, including railway matériel and vessels utilized for convoys, are subject to the general rules of international law.

#### CHAPTER VI

##### *Distinctive emblem*

ART. 18. Out of respect to Switzerland the heraldic emblem of the red cross on a white ground, formed by the reversal of the federal colors, is continued as the emblem and distinctive sign of the sanitary service of armies.

ART. 19. This emblem appears on flags and brassards as well as upon all matériel appertaining to the sanitary service, with the permission of the competent military authority.

ART. 20. The personnel protected in virtue of the first paragraph of article 9, and articles 10 and 11, will wear attached to the left arm a brassard bearing a red cross on a white ground, which will be issued and stamped by competent military authority, and accompanied by a certificate of identity in the case of persons attached to the sanitary service of armies who do not have military uniform.

ART. 21. The distinctive flag of the convention can only be displayed over the sanitary formations and establishments which the convention provides shall be respected, and with the consent of the military authorities. It shall be accompanied by the national flag of the belligerent to whose service the formation or establishment is attached.

Sanitary formations which have fallen into the power of the enemy, however, shall fly no other flag than that of the Red Cross so long as they continue in that situation.

ART. 22. The sanitary formations of neutral countries which, under the conditions set forth in article 11, have been authorized to render their services, shall fly, with the flag of the convention, the national flag of the belligerent to which they are attached. The provisions of the second paragraph of the preceding articles are applicable to them.

ART. 23. The emblem of the red cross on a white ground and the words *Red Cross* or *Geneva Cross* may only be used, whether in time of peace or war, to protect or designate sanitary formations and establishments, the personnel and matériel protected by the convention.

#### CHAPTER VII

##### *Application and execution of the convention*

ART. 24. The provisions of the present convention are obligatory only on the contracting powers, in case of war between two or more of them. The said provisions shall cease to be obligatory if one of the belligerent powers should not be signatory to the convention.

ART. 25. It shall be the duty of the commanders-in-chief of the belligerent armies to provide for the details of execution of the foregoing articles, as well for unforeseen cases, in accordance with the instructions of their respective governments, and conformably to the general principles of this convention.

ART. 26. The signatory governments shall take the necessary steps to acquaint their troops, and particularly the protected personnel, with the provisions of this convention and to make them known to the people at large.



## CHAPTER VIII

*Repressions of abuses and infractions*

ART. 27. The signatory powers whose legislation may not now be adequate engage to take or recommend to their legislatures such measures as may be necessary to prevent the use, by private persons or by societies other than those upon which this convention confers the right thereto, of the emblem or name of the Red Cross or Geneva Cross, particularly for commercial purposes by means of trade-marks or commercial labels.

The prohibition of the use of the emblem or name in question shall take effect from the time set in each act of legislation, and at the latest five years after this convention goes into effect. After going into effect, it shall be unlawful to use a trade-mark or commercial label contrary to such prohibition.

ART. 28. In the event of their military penal laws being insufficient, the signatory governments also engage to take, or to recommend to their legislatures, the necessary measures to repress, in time of war, individual acts of robbery and ill treatment of the sick and wounded of the armies, as well as to punish, as usurpations of military insignia, the wrongful use of the flag and brassard of the Red Cross by military persons or private individuals not protected by the present convention.

They will communicate to each other through the Swiss Federal Council the measures taken with a view to such repression, not later than five years from the ratification of the present convention.

## GENERAL PROVISIONS

ART. 29. The present convention shall be ratified as soon as possible. The ratification will be deposited at Berne.

A record of the deposit of each act of ratification shall be prepared, of which a duly certified copy shall be sent, through diplomatic channels, to each of the contracting powers.

ART. 30. The present convention shall become operative, as to each power, six months after the date of deposit of its ratification.

ART. 31. The present convention, when duly ratified, shall supersede the Convention of August 22, 1864, in the relations between the contracting states.

The Convention of 1864 remains in force in the relations between the parties who signed it but who may not also ratify the present convention.

ART. 32. The present convention may, until December 31, proximo,

be signed by the powers represented at the conference which opened at Geneva on June 11, 1906, as well as by the powers not represented at the conference who have signed the Convention of 1864.

Such of these powers as shall not have signed the present convention on or before December 31, 1906, will remain at liberty to accede to it after that date. They shall signify their adherence in a written notification addressed to the Swiss Federal Council, and communicated to all the contracting powers by the said Council.

Other powers may request to adhere in the same manner, but their request shall only be effective if, within the period of one year from its notification to the Federal Council, such Council has not been advised of any opposition on the part of any of the contracting powers.

ART. 33. Each of the contracting parties shall have the right to denounce the present convention. This denunciation shall only become operative one year after a notification in writing shall have been made to the Swiss Federal Council, which shall forthwith communicate such notification to all the other contracting parties.

This denunciation shall only become operative in respect to the power which has given it.

IN FAITH WHEREOF the plenipotentiaries have signed the present convention and affixed their seals thereto.

Done at Geneva, the sixth day of July, one thousand nine hundred and six, in a single copy, which shall remain in the archives of the Swiss Confederation and certified copies of which shall delivered be to the contracting parties through diplomatic channels.

(Here follow the signatures).

*Final Protocol of the Conference for the Revision of the Geneva Convention*

The conference convened by the Swiss Federal Council with a view to the revision of the international Convention of August 22, 1864, for the amelioration of the condition of soldiers wounded in the field, met at Geneva on June 11, 1906. The Powers hereinafter enumerated took part in the conference, for which they had named the following delegates:

(Names of countries and delegates.)

In a series of meetings held between the 11th of June and the 5th of July, 1906, the conference discussed and decided upon the text of a convention to bear date of July 6, 1906, for submission to the plenipotentiaries for their signatures.

In addition thereto, and in conformity with article 16 of the convention for the pacific settlement of international conflicts, of the 29th of July, 1899, which has recognized arbitration as the most efficacious, and at the same time the most equitable means of settling litigations, which have not been determined through the diplomatic channels, the Conference has expressed the following *Hope*:

The Conference expresses the hope that, to reach an interpretation and an application as exact as possible of the Convention of Geneva, the contracting Powers shall submit to the Permanent Court of The Hague, if the case or the circumstances lend themselves thereto, the differences which in time of peace may be raised between them in relation to the interpretation of the said Convention:

This *Hope* was voted for by the following states:

Germany, Argentine Republic, Austria-Hungary, Belgium, Bulgaria, Chile, China, Congo, Denmark, Spain (ad referendum), United States of America, United States of Brazil, France, Greece, Guatemala, Honduras, Italy, Luxemburg, Montenegro, Nicaragua, Norway, The Netherlands, Peru, Persia, Portugal, Roumania, Russia, Servia, Siam, Sweden, Switzerland and Uruguay.

The wish was rejected by the following States:

Corea, Great Britain and Japan.

IN FAITH WHEREOF the delegates have signed the present protocol.

Done at Geneva, the sixth day of July, one thousand nine hundred and six, in a single copy, which shall remain in the archives of the Swiss Confederation and certified copies of which shall be delivered to the contracting parties through diplomatic channels.

(Here follow the signatures.)

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*Macedonian Financial "Règlement." 1906.*

*"Règlement" for the Financial Service of the three Vilayets of Roumelia.*

ARTICLE 1. A Financial Commission for a term of two years is constituted for the three Vilayets of Salonica, Kossovo, and Monastir.

This Commission will exercise its functions in the name of the Imperial Ottoman Government.

It is composed of the Inspector-General of the Vilayets of Roumelia, the Civil Agents of Austria-Hungary and Russia, and of five Advisers

nominated for this purpose by the Imperial Ottoman Government and the Governments of Germany, France, Great Britain, and Italy.

Its mission is:

1. To insure the application of the Regulation agreed upon between the Imperial Ottoman Ministry of Finance and the Imperial Ottoman Bank, dated the 22nd February, 1320 (the 7th March, 1905), as defined by the present Regulation;
2. To supervise the regular collection of taxes, including the tithe;
3. To examine the Budgets of the three vilayets, which must be communicated to it before becoming final, and to supervise their strict performance after they have received the Imperial sanction;
4. To supervise the execution of the financial reforms.

ART. 2. The Commission will have its seat at Salonica, where its offices will be established. Its meetings, however, will always be held in the town in which the President resides.

ART. 3. The Commission will be presided over by the Inspector-General and, in the event of his absence or inability to attend, by a high Ottoman official named by him. It will discuss at its sittings all matters within its province (Article 1.)

ART. 4. A member of the Commission will assist the President in the capacity of "adjoint." These duties will be performed in turn for a period of three months by the Civil Agents of Austria-Hungary and Russia and by the German, French, British, and Italian advisers, in the alphabetical order of the Powers.

This "adjoint" is charged with:

1. The regulation, in conjunction with the President, of minor matters not requiring the decision of the Assembled Commission;
2. The internal service of the Commission; and
3. The relations between the Commission and the Imperial Ottoman Bank.

He will accompany the President on his journeys. When he is obliged to absent himself from Salonica, his duties, as specified under headings 2 and 3, will devolve upon the member who comes next to him in alphabetical order.

ART. 5. The Commission will sit as a rule once a week. It will be summoned in extraordinary session whenever the President considers it necessary, or when two members of the Commission wish it.

Any member may enter on the order of the day matters which he wishes to submit to the deliberations of the Commission.

The presence of at least four members, including the President or his substitute, will be necessary to render valid the deliberations and the decisions of the Commission. Any absent member or any member unable to attend may be represented by one of his colleagues; the Civil Agents will, in that case, be replaced by their "adjoints."

The decisions of the Commission will be taken by a majority of votes. In the event of an equal division of votes, the President will have a casting vote. If the President refuses to carry out a decision of the Commission, he shall submit the case to the Sublime Porte or to the Imperial Ministry of Finance; the foreign members of the Financial Commission shall, on their part, inform their respective authorities.

ART. 6. Budget proposals, as determined by the Regulation of the 22nd of February, 1320 (7th March, 1905), for the three vilayets, shall be delivered every year, at latest 1st January (N. S.), to the Commission, which shall complete their examination in one month's time.

The Commission shall have the right to modify under the headings of receipts and expenditure arrangements which would not be in conformity with existing laws or in accordance with the economic and financial needs of the country.

The Commission shall in the first instance satisfy itself that the Budget contains the necessary provisions for the requirements of the civil administration, including gendarmerie and police.

On the request of the Commission, it shall be supplied with all information concerning the receipts of the Budget, as well as the expenditure of the civil administration.

Budgets cannot be modified during the financial year.

On the request of the Inspector-General, however, the Commission may permit the transfer of a portion of the credits from one heading of the Budget to another, in the same vilayet.

ART. 7. All collections, of whatever character, made in the three vilayets, with the exception, however, of customs dues and revenues appropriated to the Public Debt by the Decree of the 28th Mouharrem, 1299, or by Agreements in force, shall be entered among the receipts of the Budget.

The preliminary deduction of 5 per cent. reserved for public works and mentioned in Article 11 of the Regulation of the 7th of March, 1905, will constitute the minimum under the heading of that kind of expenditure, and will have to be supported by a detailed statement. If at the end of the financial year this heading shows a surplus, the amount shall be carried forward to the Budget of the following year for the same uses:

ART. 8. The Imperial Ottoman Bank shall communicate to the Commission detailed monthly statements of receipts and expenditure. It shall further supply, if demanded all books,, accounts, and correspondence relating to the service with which it is charged by the Regulation of the 22nd February, 1320 (7th March, 1905).

The Commission will verify the settlement of each financial year, which shall be laid before it by the Imperial Ottoman Bank, within three months' time from the end of the financial year.

The accounts kept by the Imperial Ottoman Bank for the service of the Treasury of the three vilayets shall be kept at the agency of this bank at Salonica.

ART. 9. The Commission, while safeguarding the sovereign rights of the Imperial Government, will have to study all proposals for new taxes or charges, as well as every scheme for modifying the rate or manner of assessment of existing taxes, or the organization of the financial services applicable to the three vilayets. The conclusions of the Commission shall be submitted by the Inspector-General to the Sublime Porte.

ART. 10. The Commission shall nominate as Inspectors, one for each vilayet, Ottoman subjects knowing the official language of the Empire, who will superintend the agents employed in the various services of the Treasury.

These Inspectors, whose selection shall be approved by the Imperial Ottoman Government, shall have the power to make inspections in the offices of the financial services, to call for all books, accounts, and documents relating to the public finances, and to verify amounts in hand, without, however, being able to interfere directly in the administration of the services. They shall address their reports to the Commission.

The Commission will likewise be supplied immediately with copies of the reports of the Financial Inspectors instituted by the Regulation of the 25th May, 1312. It will have the power to require joint inspection to be made by these Inspectors and by those nominated by it in pursuance of the present Article.

The Commission, or the service member on duty, in concert with the President, shall examine all complaints which may reach them concerning the financial services of the three vilayets, and which are based upon events which have occurred subsequent to the creation of the Commission.

If, in the reports or complaints mentioned in the present Article, charges of irregularities or abuses are brought against officials, the Inspectors of the Commission shall be entitled to be present at the investigations arising therefrom.



The Commission shall be kept informed by the President of the disciplinary or judicial steps taken by the Government in respect of delinquent officials.

ART. 11. All information respecting irregularities or abuses discovered in the working of the financial services, and particularly in the collection of taxes, including the tithe, shall be transmitted to the Commission by the competent authority.

ART. 12. All changes in the financial personnel shall be brought to the notice of the Commission, with the reasons which have suggested them. The Commission shall call for such administrative measures as it shall deem necessary in the case of financial officials convicted of delinquencies.

ART. 13. The Commission shall have the right to be represented at all awards of contracts made for the civil and financial services of the three vilayets.

ART. 14. The administrative expenses of the Commission, exclusive of the salaries of the members, shall be included in three equal portions in the Budget of each of the three vilayets.

ART. 15. The Commission will settle its mode of procedure.

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*Documents Relating to the Japanese-Korean Situation, 1894-1905*

1. Treaty between Korea and Japan ratified on the 23rd day of the sixth moon of the five hundred and third year of the foundation of Korea and the 25th day of July of the twenty-seventh year of Meiji (July 25, 1894).

2. Memorandum between Japan and Russia of May 14, 1896. (So-called Komura-Waeber Memorandum.)

3. Protocol concerning the question of Korea concluded between Japan and Russia on June 9, 1896. (So-called Yamagata-Lobanow Protocol.)

4. Protocol concerning the question of Korea concluded between Japan and Russia on April 25, 1898. (So-called Nissi-Rosen Protocol.)

5. Protocol concluded between Japan and Korea on Feb. 23, 1904.

6. Agreement between Japan and Korea signed Aug. 22, 1904.

7. Agreement between Japan and Korea signed April 1, 1905, regarding the communication services in Korea.

8. Agreement between Japan and Korea signed Nov. 17, 1905, by which Japan assumed charge of foreign relations of Korea.

9. Imperial Ordinance No. 267. Organization of the Japanese Residency General and Residencies in Korea. (Promulgated December 20, 1905.)

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*Treaty between Korea and Japan ratified on the 23rd day of the sixth moon of the five hundred and third year of the foundation of Korea, and the twenty-fifth day of July of the twenty-seventh year of Meiji (July 25, 1894).*

The Korean Government hereby commissions the envoy extraordinary and minister plenipotentiary of Japan, who resides at Seoul, Korea, to expel the Chinese forces from the Korean Kingdom on behalf of the Korean Government. Both Governments having agreed mutually to aid each other and help in attacking the Chinese and in defending themselves. And in order to insure the success of this joint action of both countries, the undersigned commissioners of each country are given full power to ratify the treaty, as follows:

I. This treaty is an agreement to expel the Chinese forces from the Korean Kingdom, and to strongly establish the independence of Korea, as well as to fulfill the privileges and immunities which are enjoyed by both countries.

II. As Japan has undertaken to attack the Chinese, Korea shall have to exert the utmost efforts in all possible ways to facilitate the movements of the Japanese troops to and fro and in preparing provisions for these troops.

III. This treaty shall be abolished on the date of making a treaty of amity with China.

Wherefore the commissioners of both countries have hereunto set their seals and signatures this 26th day of the seventh moon of the five hundred and third year of T<sub>1</sub> Chosen (Korea) and the 29th day of August of the twenty-seventh year of Meiji (August 25, 1894).

KIM YUN-SIK,

(Korean) Minister for Foreign Affairs.

K. OTORI,

Envoy Extraordinary and Minister Plenipotentiary of Japan to Korea.

*Memorandum between Japan and Russia. Concluded and signed at  
Seoul, May 14th, 1896*

The Representatives of Russia and Japan at Seoul having conferred under the identical instructions from their respective Governments have arrived at the following conclusions:

I. While leaving the matter of His Majesty the King of Corea's return to the Palace entirely to his own discretion and judgment, the Representatives of Russia and Japan will friendly advise His Majesty to return to that place when no doubts concerning his safety there could be entertained.

The Japanese Representative on his part gives the assurance that the most complete and effective measures will be taken for control of Japanese soshi.

II. The present Cabinet Ministers have been appointed by His Majesty from his own free will, and most of them held Ministerial or other high offices during the last two years and are known to be liberal and moderate men.

The two representatives will always aim at recommending to His Majesty to appoint liberal and moderate men as Ministers and to show clemency to his subjects.

III. The Representative of Russia quite agrees with the Representative of Japan that at the present state of affairs in Corea, it may be necessary to have Japanese guards stationed at some places for the protection of the Japanese telegraph line between Fusan and Seoul, and that these guards now consisting of three companies of soldiers, should be withdrawn as soon as possible and replaced by gendarmes, who will be distributed as follows: fifty men at Taiku, fifty men at Ka-heung and ten men each at ten intermediate posts between Fusan and Seoul. This distribution may be liable to some changes, but the total number of the gendarme force shall never exceed two hundred men, who will afterwards gradually be withdrawn from such places, where peace and order has been restored by the Corean Government.

IV. For the protection of the Japanese Settlements at Seoul and the open ports against possible attacks by the Corean populace, two companies of Japanese troops may be stationed at Seoul, one company at Fusan and one at Gensan, each company not to exceed two hundred men. These troops will be quartered near the Settlements and shall be withdrawn as soon as no apprehensions of such attacks could be entertained.

For the protection of the Russian Legation and Consulates, the Russian Government may also keep guards not exceeding the number of

Japanese troops at these places, and which will be withdrawn as soon as tranquility in the interior is completely restored.

Seoul, May 14th, 1896.

WAEBER,  
*Representative of Russia.*

J. KOMURA,  
*Representative of Japan.*

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*Protocol Concerning the Question of Corea between Japan and Russia.  
Signed at Moscow, June 9, 1896*

Le Maréchal Marquis Yamagata, Ambassadeur Extraordinaire de Sa Majesté l'Empereur du Japon et le Secrétaire d'État Prince Lobanow Rostovsky, Ministre des Affaires Étrangères, ayant échangé leurs vues sur la situation de la Corée, sont convenus des articles suivants:

I. Les Gouvernements Japonais et Russe, dans le but de remédier aux embarras financiers de la Corée, conseilleront au Gouvernement Coréen de supprimer toute dépense inutile et d'établir un équilibre entre ses dépenses et ses revenus. Si à la suite de réformes reconnues indispensables, il devenait nécessaire de recourir à des emprunts étrangers, les deux Gouvernements prêteront, d'un commun accord, leur appui à la Corée.

II. Les Gouvernements Japonais et Russe essaieront d'abandonner à la Corée, autant que le permettra la situation financière et économique de ce pays, la création et l'entretien d'une force armée et d'une police indignes dans des proportions suffisantes pour maintenir l'ordre intérieur, sans secours étrangers.

III. En vue de faciliter les communications avec la Corée, le Gouvernement Japonais continuera à administrer les lignes télégraphiques qui s'y trouvent actuellement entre ses mains.

Il est réservé à la Russie d'établir une ligne télégraphique de Seoul à ses frontières.

Ces différentes lignes pourront être rachetées par le Gouvernement Coréen, aussitôt qu'il en aura les moyens.

IV. Dans le cas où les principes ci-dessus exposés exigeraient une définition plus précise et plus détaillée, ou bien si, par la suite, il surgissait d'autres points sur lesquels il serait nécessaire de se concerter, les Représentants des deux Gouvernements seront chargés de s'entendre la-dessus à l'amiable.

Fait à Moscou, le  $\frac{9 \text{ Juin}}{28 \text{ mai}}$  1896.

Signé: YAMAGATA

Signé: LOBANOW.

*Protocol Concerning the Question of Corea between Japan and Russia.  
Signed at Tokio, April 25, 1898*

Le Baron Nissi, Ministre des Affaires Étrangères de Sa Majesté l'Empereur du Japon, et le Conseiller d'État Actuel et Chambellan Baron Rosen, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté l'Empereur de toutes les Russies, afin de donner suite à l'article 4 du Protocole signé à Moscou, le  $\frac{9 \text{ juin}}{28 \text{ mai}}$  1896 entre le Maréchal Marquis Yamagata et le Secrétaire d'État Prince Lobanow, et dument autorisés à cet effet, sont convenus des articles suivants:

ARTICLE I. Les Gouvernements Impériaux du Japon et de Russia reconnaissent définitivement la souveraineté et l'entière indépendance de la Corée et s'engagent mutuellement à s'abstenir de toute ingérence directe dans les affaires intérieures de ce pays.

ART. II. Desirant écarter toute cause possible de malentendus dans l'avenir, les Gouvernements Impériaux du Japon et de Russie s'engagent mutuellement, dans le cas où la Corée aurait recours au conseil et à l'assistance, soit du Japon, soit de la Russie, de ne prendre aucune mesure quant à la nomination d'instructeurs militaires et de conseillers financiers, sans être arrivés préalablement à un accord mutuel à ce sujet.

ART. III. Vu le large développement qu'ont pris les entreprises commerciales et industrielles du Japon en Corée, ainsi que le nombre considérable de sujets japonais résidant dans ce pays, le Gouvernement Impérial Russe n'entravera point le développement des relations commerciales et industrielles entre le Japon et la Corée.

Fait à Tokio, en double expédition, le 25 Avril 1898.

Signé: ROSEN.

Signé: NISSI.

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*Protocol Concluded between Japan and Corea on February 23, 1904*

Hayashi Gonsuke, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Japan and Major-General Ye-tchi-yong, Minister of State for Foreign Affairs ad interim of His Majesty the Emperor of Corea, being respectively duly empowered for the purpose, have agreed upon the following Articles:

ARTICLE I. For the purpose of maintaining a permanent and solid friendship between Japan and Corea and firmly establishing peace in the Far East, the Imperial Government of Corea shall place full confidence

in the Imperial Government of Japan and adopt the advice of the latter in regard to improvements in administration.

ART. II. The Imperial Government of Japan shall in a spirit of firm friendship ensure the safety and repose of the Imperial House of Corea.

ART. III. The Imperial Government of Japan definitively guarantees the independence and territorial integrity of the Corean Empire.

ART. IV. In case the welfare of the Imperial House of Corea or the territorial integrity of Corea is endangered by aggression of a third power or internal disturbances, the Imperial Government of Japan shall immediately take such necessary measures as the circumstances require and in such cases the Imperial Government of Corea shall give full facilities to promote the action of the Imperial Japanese Government.

The Imperial Government of Japan may, for the attainment of the above-mentioned object, occupy, when the circumstances require it, such places as may be necessary from strategical points of view.

ART. V. The Governments of the two countries shall not in future, without mutual consent, conclude with a third Power such an arrangement as may be contrary to the principles of the present Protocol.

ART. VI. Details in connection with the present Protocol shall be arranged, as the circumstances may require, between the Representative of Japan and the Minister of State for Foreign Affairs of Corea.

HAYASHI GONSUKE

[Seal]

*Envoy Extraordinary and Minister Plenipotentiary.*

The 23rd day of the 2nd month of the 37th year of Meiji.

Major-General YE-TCHI-YONG [Seal]

*Minister of State for Foreign Affairs ad interim.*

The 23rd day of the 2nd month of the 8th year of Kwang-Mu.

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*Agreement between Japan and Korea, signed August 22, 1904*

I. The Corean Government shall engage as financial adviser to the Corean Government a Japanese subject recommended by the Japanese Government, and all matters concerning finance shall be dealt with after his counsel being taken.

II. The Corean Government shall engage as diplomatic adviser to the Department of Foreign Affairs a foreigner recommended by the Japanese Government, and all important matters concerning foreign relations shall be dealt with after his counsel being taken.

III. The Corean Government shall previously consult the Japanese Government in concluding treaties and conventions with foreign powers,



and in dealing with other important diplomatic affairs, such as the grant of concessions to or contracts with foreigners.

HAYASHI GONSUKE, [Seal]

*Envoy Extraordinary and Minister Plenipotentiary.*

The 22nd day of the 8th month of the 37th year of Meiji.

YUN CHI HO [Seal]

*Acting Minister of State for Foreign Affairs.*

The 22nd day of the 8th month of the 8th year of Kwang-Mu.

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*Agreement between Japan and Korea, signed April 1, 1905, regarding  
Communications Services*

The Imperial Governments of Japan and Korea, finding it expedient from the standpoint of the administration and finances of Korea, to rearrange the system of communications in that country, and by amalgamating it with that of Japan, and, having seen the necessity, with that object in view, of transferring the post, telegraph and telephone services of Korea to the control of the Japanese Government, Hayashi Gonsuke, Envoy Extraordinary and Minister Plenipotentiary of Japan and I-hayeng, Minister of State for Foreign Affairs of Korea, each invested with proper authority, have agreed upon and concluded the following Articles:

ARTICLE I. The Imperial Government of Korea shall transfer and assign the control and administration of the post, telegraph and telephone service in Korea (except the telephone service exclusively pertaining to the Department of the Imperial Household) to the Imperial Japanese Government.

ART. II. The land, buildings, furniture, instruments, machines and all other appliances connected with the system of communications already established by the Imperial Government of Korea, shall by virtue of the present agreement, be transferred to the control of the Imperial Japanese Government.

The authorities of the two countries acting together shall make an inventory of the land, buildings and all other requisites mentioned in the preceding paragraph which shall serve as evidence in the future.

ART. III. When it is deemed necessary by the Japanese Government to extend the communication system in Korea, they may appropriate land and buildings belonging to the State or private persons; the former without compensation and the latter with proper indemnification.

ART. IV. In respect of the control of the communication service and the custody of the properties in connection therewith, the Japanese Government assume, on their own account, the responsibility of good administration.

The expenses required for the extension of the communication services shall also be borne by the Imperial Government of Japan.

The Imperial Government of Japan shall officially notify the Imperial Government of Corea of the Financial condition of the system of communications under their control.

ART. V. All appliances and materials which are deemed necessary by the Imperial Government of Japan for the control or extension of the system of communication shall be exempt from all duties and imposts.

ART. VI. The Imperial Government of Corea shall be at liberty to maintain the present Board of Communication so far as such retention does not interfere with the control and extension of the services by the Japanese Government.

The Japanese Government, in controlling and extending the services, shall engage as many Corean officials and employees as possible.

ART. VII. In respect of the arrangements formerly entered into by the Corean Government with Governments of foreign Powers concerning the post, telegraph and telephone services, the Japanese Government shall in behalf of Corea exercise the right and perform the obligations pertaining thereto.

Should there arise in the future any necessity for concluding any new convention between the Government of Corea and the Governments of foreign Powers concerning the communication services, the Japanese Government shall assume the responsibility of concluding such convention in behalf of the Corean Government.

ART. VIII. The various conventions and agreements respecting the communication services hitherto existing between the Governments of Japan and Corea are naturally abolished or modified by the present Agreement.

ART. IX. When in the future as the result of the general development of the communication system in Corea, there is some adequate profit over and above expenditures defrayed by the Japanese Government for the control and maintenance of the old services and for their extensions and improvements, the Japanese Government shall deliver to the Corean Government a suitable percentage of such profit.

ART. X. When in the future an ample surplus exists in the finances of the Corean Government, the control of their communication services

may be returned, as the result of the consultation of the two Governments, to the Government of Corea.

HAYASHI GONSUKE, [Seal]

*Envoy Extraordinary and Minister Plenipotentiary.*

The 1st day of the 4th month of the 38th year of Meiji.

I-HAYENG, [Seal]

*Minister of State for Foreign Affairs.*

The 1st day of the 4th month of the 9th year of Kwang-mu.

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*Agreement between Japan and Corea Signed November 17, 1905, by which  
Japan Assumed Charge of Foreign Relations of Corea*

The Governments of Japan and Corea, desiring to strengthen the principle of solidarity which unites the two Empires, have with that object in view agreed upon and concluded the following stipulations to serve until the moment arrives when it is recognized that Corea has attained national strength.

ARTICLE I. The Governments of Japan, through the Department of Foreign Affairs at Tokyo, will hereafter have control and direction of the external relations and affairs of Corea, and the diplomatic and consular representatives of Japan will have charge of the subjects and interests of Corea in foreign countries.

ART. II. The Government of Japan undertakes to see to the execution of the treaties actually existing between Corea and other Powers, and the Government of Corea engages not to conclude hereafter any act or engagement having an international character except through the medium of the Government of Japan.

ART. III. The Government of Japan shall be represented at the Court of His Majesty the Emperor of Corea by a Resident General, who will reside at Seoul, primarily for the purpose of taking charge of and directing matters relating to diplomatic affairs. He shall have the right of private and personal audience of His Majesty the Emperor of Corea. The Japanese Government shall also have the right to station Residents at the several open ports and such other places in Corea as they may deem necessary. Such Residents shall, under the direction of the Resident General, exercise the powers and functions hitherto appertaining to Japanese Consuls in Corea and shall perform such duties as may be necessary in order to carry into full effect the provisions of this Agreement.

The stipulations of all Treaties and Agreements existing between Japan and Corea, not inconsistent with the provisions of this Agreement, shall continue in force.

ART. V. The Government of Japan undertakes to maintain the welfare and dignity of the Imperial House of Corea.

In faith whereof, the Undersigned duly authorized by their Governments have signed this Agreement and affixed their seals.

HAYASHI GONSUKE, [Seal]

*Envoy Extraordinary and Minister Plenipotentiary.*

The 17th day of the 11th month of the 38th year of Meiji.

PAK CHE SOON, [Seal]

*Minister of State for Foreign Affairs.*

The 17th day of the 11th month of the 9th year of Kwang-Mu.

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*Imperial Ordinance No. 267. Organization of the Residency-General and Residencies. (Promulgated December 20, 1905.)*

ARTICLE I. A Residency-General shall be established at Seoul, Corea.

ART. II. A Resident-General shall be appointed to the Residency-General.

The Resident-General shall be of Shinnin rank.

The Resident-General shall be under the direct command of the Emperor. In regard to diplomatic affairs he shall make representations to His Imperial Majesty, through the Minister for Foreign Affairs and the Minister President of State, and he shall receive Imperial sanctions and commands through the Minister President of State and the Minister for Foreign Affairs. In regard to all other matters, the representations, sanctions and commands as aforesaid shall pass through the hands of the Minister President of State only.

ART. II. The Resident-General shall represent the Imperial Japanese Government in Corea and shall exercise general control over all matters relative to the foreign Consulates and foreigners in Corea excepting such matters as may pass through the hands of the foreign Representatives resident in Japan. He shall also have control of such administrative affairs of Corea as relate to foreigners.

The Resident-General shall have control of all political affairs, which are, in accordance with the treaties and conventions, to be administered by the Imperial and public authorities of Japan in Corea and he shall also be charged with all other affairs of control which have hitherto appertained to the Imperial authorities.

ART. IV. The Resident-General may, when he deems it necessary for

the maintenance of peace and tranquility in Corea, order the Commander of the Imperial Garrison in Corea to use military force.

ART. V. In regard to administrative affairs of Corea, the execution of which is necessary to the fulfillment of treaty obligations, the Resident-General shall refer them to the Corean Government and demand that they be carried out. In case of urgency, however, he may communicate directly with the proper local authorities of Corea and cause them to act, informing the Corean Government afterwards of the steps thus taken.

ART. VI. The Resident-General shall exercise supervision over the officials of the Imperial Government and others, who may be in the service of the Corean Government.

ART. VII. The Resident-General shall have power to issue Residency General Ordinances with punitive provisions of imprisonment not exceeding one year or fines not exceeding two hundred yen.

ART. VIII. When the Resident-General considers any orders or measures of the Authorities under him to be in conflict with the Treaties, Laws or Regulations, or to be detrimental to the public interests or to exceed the powers of such Authorities, he may suspend or rescind such orders or measures.

ART. IX. The Resident-General shall exercise general control over the officials under him. Regarding the appointment and dismissal of officials of Sonin rank, he shall make representations to the Emperor through the Minister President of State. He shall appoint and dismiss officials of Hannin rank and others below it in his own discretion.

ART. X. The Resident-General shall make representations to the Emperor through the Minister President of State regarding the conferment of Court rank or decorations upon officials under him.

ART. XI. In addition to the Resident-General the following functionaries shall be attached to the Residency-General:—

Secretary-General .....	1	Chokunin.
Director of Agricultural, Commercial and Industrial Affairs .....	1	{ Chokunin. or Sonin.
Director of Police Affairs .....	1	
Private Secretary .....	1	Sonin.
Secretaries .....	7	"
Police Inspectors .....	2	"
Gishi (Technical officials) .....	5	"
Secretary-Interpreters .....	10	"
Clerks	{	.....45 Hannin
Police Sergeants		
Gishu (Assistant technical officials)		
Elève Interpreters		

Treatment of Higher officials or of officials of Hannin rank may be extended to Coreans employed in the Residency-General or in establishments subordinate to it.

ART. XII. The Secretary-General shall, under the Resident-General have general charge of the affairs of the Residency-General.

ART. XIII. In case of inability of the Resident-General from any cause to discharge the functions of his office, the Commander of the Imperial Garrison in Corea or the Secretary-General, as the Resident-General may designate, shall temporarily discharge the functions of the Resident-General.

ART. XIV. The Director of Agricultural, Commercial and Industrial Affairs shall, under orders of his superiors, have charge of matters relating to agriculture, commerce, manufactures and other industries.

ART. XV. The Director of Police Affairs shall, under order of his superiors, have charge of police affairs.

ART. XVI. The Private Secretary shall, under orders of his superiors, have charge of affairs of a confidential nature.

ART. XVII. The Secretaries shall, under orders of their superiors, have charge of the business of the Residency-General.

ART. XVIII. The Gishi (technical officials) shall, under orders of their superiors, have charge of technical affairs.

ART. XIX. The Secretary-Interpreters shall, under orders of their superiors, have charge of translation of documents and of interpretation.

ART. XX. The Gishu (assistant technical officials) shall, under the direction of their superiors, attend to technical business.

ART. XXI. The Resident-General may attach Gishi, Secretary-Interpreters and Gishu of the Residency-General to any Residency. Such officials shall, in the discharge of their duties, be under the direction and supervision of the Resident concerned.

ART. XXII. Residencies shall be established at the more important places in Corea.

The locations of the Residencies and the areas of their jurisdiction shall be determined by the Resident-General.

ART. XXIII. The following functionaries shall be attached to each Residency:

Resident.....	Sonin.
Vice-Residents .....	"
Clerks .....	Hannin.
Police Sergeants .....	"
Elève Interpreters .....	"

In addition to the above officials, a Police Inspector shall be appointed



to such Residencies as the Resident-General may deem necessary. Such Police Inspector shall be of Sonin rank.

At Residencies having two or more Vice-Residents, one of them shall principally have charge of legal matters.

A number of functionaries of the Residencies shall be determined elsewhere.

ART. XXIV. Residents shall, under the direction and supervision of the Resident-General, have charge of matters, which formerly appertained to the Consuls resident in Corea as well as of matters which are to be dealt with by the Residents in accordance with the Treaties, Laws and Regulations.

ART. XXV. In case a Resident finds an urgent necessity for the preservation of peace and order leaving no time to apply to the Resident-General for instructions, he may communicate with the Commander of the Imperial forces stationed in his locality and request the latter to despatch troops.

ART. XXVI. Regarding such administrative measures of Corea as are found necessary for the fulfillment of treaty obligations, Residents may communicate directly with the proper local authorities of Corea and cause the necessary measures to be carried out, in case of urgency not allowing time to ask for instructions from the Resident-General, reporting to the Resident-General afterward the steps thus taken.

ART. XXVII. Residents may issue Residency orders with punitive provisions of fines not exceeding 10 Yen, or police detention or fines.

ART. XXVIII. The Vice-Residents shall, under orders of the Residents, have charge of the business of the Residency and shall in case of inability of the Residents, discharge their functions temporarily.

ART. XXIX. The Police-Inspectors of the Residency-General and the Residencies shall, under orders of their superiors, have charge of police affairs.

ART. XXX. The clerks of the Residency-General and the Residencies shall, under the direction of their superiors, attend to general business.

ART. XXXI. The Police Sergeants of the Residency-General and the Residencies shall each, under the direction of their superiors, have charge of their superiors, have charge of police affairs and exercise direction and control over the policemen placed under them.

ART. XXXII. The Elève Interpreters of the Residency-General and the Residencies shall, under the direction of their superiors, engage in translation of documents and interpretations.

ART. XXXIII. Policemen shall be attached to the Residency-General

and the Residencies. They shall receive the treatment of officials of Hannin rank.

The number of policemen shall be determined by the Resident-General.

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*Agreement between the United Kingdom, France, and Italy, Respecting Abyssinia, signed at London, December 13, 1906*

It being the common interest of France, Great Britain, and Italy to maintain intact the integrity of Ethiopia, to provide for every kind of disturbance in the political conditions of the Ethiopian Empire, to come to a mutual understanding in regard to their attitude in the event of any change in the situation arising in Ethiopia, and to prevent the action of the three States in protecting their respective interests, both in the British, French, and Italian possessions bordering on Ethiopia and in Ethiopia itself, resulting in injury to the interests of any of them, the Government of the French Republic, the Government of his Britannic Majesty, and the Government of Italy have assented to the following Agreement:—

ARTICLE 1. France, Great Britain, and Italy shall coöperate in maintaining the political and territorial *status quo* in Ethiopia as determined by the state of affairs at present existing, and by the following Agreements:

- a. The Anglo-Italian Protocols of the 24th March and 15th April, 1891, and of the 5th May, 1894, and the subsequent Agreements modifying them, including the reserves formulated by the French Government in 1894 and 1895;
- b. The Anglo-Ethiopian Convention of 14th May, 1897, and its annexes;
- c. The Italo-Ethiopian Treaty of 10th July, 1900;
- d. The Anglo-Ethiopian Treaty of 15th May, 1902;
- e. The note annexed to the above-mentioned Treaty of 15th May, 1902;
- f. The Convention of 11th March, 1862, between France and the Dannakils;
- g. The Anglo-French Agreement of 2nd-9th February, 1888;
- h. The Italian-Franco Protocols of 24th January, 1900, and 10th July, 1901, for the delimitation of the French and Italian possessions on the littoral of the Red Sea and the Gulf of Aden;
- i. The Franco-Ethiopian Frontier Convention of 20th March, 1897.

It is understood that the various Conventions mentioned in this Article do not in any way infringe the sovereign rights of the Emperor of

Abyssinia, and in no respect modify the relations between the three Powers and the Ethiopian Empire as stipulated in the present Agreement.

ART. 2. As regards demands for agricultural, commercial, and industrial concessions in Ethiopia, the three Powers undertake to instruct their Representatives to act in such a way that concessions which may be accorded in the interest of one of the three States may not be injurious to the interests of the two others.

ART. 3. In the event of rivalries or internal changes in Ethiopia, the Representatives of France, Great Britain, and Italy shall observe a neutral attitude, abstaining from all intervention in the internal affairs of the country, and confining themselves to such action as may be, by common consent, considered necessary for the protection of the Legations, of the lives and property of foreigners, and of the common interests of the three Powers. In no case shall one of the three Governments interfere in any manner whatsoever, except in agreement with the other two.

ART. 4. In the event of the *status quo* laid down in Article 1 being disturbed, France, Great Britain, and Italy shall make every effort to preserve the integrity of Ethiopia. In any case, they shall concert together, on the basis of the Agreements enumerated in the above-mentioned Article, in order to safeguard:

a. The interests of Great Britain and Egypt in the Nile Basin, more especially as regards the regulation of the waters of that river and its tributaries (due consideration being paid to local interests), without prejudice to Italian interests mentioned in paragraph *b*;

b. The interests of Italy in Ethiopia as regards Erythraea and Somaliland (including the Benadir), more especially with reference to the hinterland of her possessions and the territorial connection between them to the west of Adis Abeba;

c. The interests of France in Ethiopia as regards the French Protectorate on the Somali Coast, the hinterland of this Protectorate and the zone necessary for the construction and working of the railway from Jibuti to Adis Abeba.

ART. 5. The French Government communicates to the British and Italian Governments:

1. The Concession of the Franco-Ethiopian Railway of 9th March, 1894;

2. A communication from the Emperor Menelek dated 8th August, 1904, the translation of which is annexed to the present Agreement, inviting the Company to whom the above Concession was granted to construct the second section of the line from Diré Gawa to Adis Abeba;

ART. 6. The three Governments agree that the Jibuti Railway shall be prolonged from Diré Dawa to Adis Abeba, with a branch line to Harrar eventually, either by the Ethiopian Railway Company in virtue of the deeds enumerated in the preceding Article, or by any other private French Company which may be substituted therefor, with the consent of the French Government, on condition that the nationals of the three countries shall enjoy in all matters of trade and transit absolute equality of treatment on the railway and in the port of Jibuti. Goods shall not be subject to any fiscal transit duty levied for the benefit of the French Colony or Treasury.

ART. 7. The French Government will endeavour to arrange that an English, and Italian, and an Abyssinian Representative shall be appointed to the Board of the French Company or Companies which may be intrusted with the construction and working of the railway from Jibuti to Adis Abeba. The British and Italian Governments will reciprocally endeavour to arrange that a French Director shall in like manner and on the same condition be appointed to the Board of any English or Italian Company which has been or may be formed for the construction or working of railways running from any point in Abyssinia to any point in the adjoining English or Italian territory. It is likewise agreed that the nationals of the three countries shall enjoy in all matters of trade and transit absolute equality of treatment, both on the railways which may be constructed by English or Italian Companies, and in the English or Italian ports from which these railways may start. Goods shall not be subject to any fiscal transit levied for the benefit of the British or Italian Colonies or Treasuries.

The three Signatory Powers agree to extend to the nationals of all other countries the benefit of the Provisions of Articles 6 and 7 relating to equality of treatment as regards trade and transit.

ART. 8. The French Government will abstain from all interferences as regards the Concession previously granted beyond Adis Abeba.

ART. 9. The three Governments are agreed that all railway construction in Abyssinia west of Adis Abeba shall, in so far as foreign assistance is required, be carried out under the auspices of Great Britain. The three Governments are also agreed that all construction of railways in Ethiopia, joining the Benadir to Erythraea to the west of Adis Abeba, shall, in so far as foreign assistance is required, be carried out under the auspices of Italy.

The Government of His Britannic Majesty reserve to themselves the right, in case of need, to make use of the authorization, granted by the Emperor Menelek on the 28th August, 1904, to construct a railway from

British Somaliland through Ethiopia to the Soudanese frontier, on condition, however, that they previously come to an agreement with the French and Italian Governments, the three Governments undertaking not to construct without previous agreement any line entering Abyssinian territory or intended to join the Abyssinian lines, which would compete directly with those established under the auspices of any one of them.

ART. 10. The Representatives of the three Powers will keep each other fully informed, and will coöperate for the protection of their respective interests. In the event of the British, French, and Italian Representatives being unable to agree, they will refer to their respective Governments, suspending all action meanwhile.

ART. 11. Beyond the Agreements enumerated in Articles 1 and 5 of the present Convention, no Agreement concluded by any one of the Contracting Powers concerning Ethiopia shall affect the other Signatory Powers of the present Agreement.

Done at London, December 13, 1906.

[Signed]	E. GREY.
[Signed]	PAUL CAMBON.
[Signed]	A. DE SAN GIULIANO.

#### ANNEX

*Translation of the Imperial Letter of August 8, 1904, authorizing the Railway Company to undertake the Construction of the Line from Diré Daoua to Adis Abeba.*

The Lion, conqueror of the tribe of Judah, Menelek II, elect of the Lord, King of Kings of Ethiopia, to the French Minister Plenipotentiary at Adis Abeba,

Greeting!

In order that the Railway Company may lose no time unnecessarily, I inform you that it is my will that it forthwith commence work on the line from Diré Daoua to Adis Abeba.

As regards the terms of the contract, however, we shall come to an arrangement later with the Railway Company.

Written the 2nd Nassaé, in the year of grace 1896 (Abyssinian style), in the city of Adis Abeba (the 8th August, 1904.)

*Declaration signed at London, December 13, 1906*

The Italian Minister for Foreign Affairs states that Italy has Treaties with the Sultan of Lugh, the Sultan of Raheita, and the Dannakils respecting frontier questions. Inasmuch as these Treaties must form the sub-

ject of negotiations with the Abyssinian Government, it is not possible to include them in the list contained in Article 1, but the Italian Government reserves to itself the right to communicate them to Great Britain and France after the termination of the negotiations.

His Majesty's Secretary of State for Foreign Affairs and the French Ambassador to take note of the declaration made by the Italian Minister for Foreign Affairs.

London, December 13, 1906.

[Signed]	E. GREY.
[Signed]	PAUL CAMBON.
[Signed]	A. DE SAN GIULIANO.

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*Agreement between the United Kingdom, France, and Italy, Respecting the Importation of Arms and Ammunition into Abyssinia, signed at London, December 13, 1906*

France, Great Britain, and Italy, having a common interest in the prevention of all disturbances in their respective territories in Ethiopia and on the Red Sea littoral, the Gulf of Aden, and the Indian Ocean, have agreed as follows:—

1. The Contracting Governments, having regard to the provisions of Articles VIII to XIII of the General Act of Brussels of the 2nd of July, 1890, bind themselves to exercise a rigorous supervision over the importation of arms and ammunition:

The French Government at Jibuti and Obok, in the territories of French Somaliland;

The British Government in British Somaliland and the ports and territories of Zelia, Berbera, Aden, and Perim; and

The Italian Government in Erythraea, Italian Somaliland, and more especially in the ports of Massawah and Assab.

2. Transit permits for arms and ammunition destined for the Ethiopian Government, recognized Ethiopian Chiefs, and private persons in Ethiopia, will only be granted on a request to that effect formulated by the said Government, indicating by name the persons authorized, the nature and quantity of arms and ammunition, and certifying that the said arms and ammunition are not intended for sale.

3. The three Governments engage to make joint representations to the Negus with a view to the prohibition, in accordance with the provisions of the General Act of Brussels, of the traffic in arms and ammunition in Abyssinian territory.

4. As regards the supervision of dhows trading for arms from Jibuti,



Aden, Perim, Zeila, Massawah, Assab, and other ports of those regions to points outside the zone of protection defined by the Act of Brussels, measures will be taken to prevent them from smuggling.

5. While expressly maintaining the principles of French legislation in regard to the right of visit, and it being agreed that the British and Italian Governments maintain their principles in regard to this question, the French Government agrees that the measures of control exercised by the local authorities in British and Italian territorial waters over small British and Italian native merchant craft (dhows) shall also be applicable in Italian and British territorial waters to dhows flying the French flag. The British and Italian Governments also agree that the measures of control exercised by the local authorities in French territorial waters over small French native merchant craft (dhows) shall also be applicable to dhows flying the British or Italian flags.

These measures shall be enforced without necessitating a recourse to the formalities laid down by the Consular Conventions in force between the three Governments.

6. In order to facilitate the supervision of native craft, and in order to prevent any wrongful use of the flag, the three Governments engage to communicate to each other every year a list of the dhows authorized to fly their respective flags.

7. The three Governments will further see that the dhow owners authorized to fly the French, British, or Italian flag shall show such plain marks on their craft as will permit of easy recognition at a distance.

8. The British, French, and Italian Governments agree to instruct their respective local authorities to concert amongst themselves as to the best means of carrying out the measures to be taken as the result of this Agreement.

9. The present Agreement shall hold good for a period of twelve years from the date of signature, and shall then remain in force for periods of three years, unless it is denounced six months before.

Done at London, December 13, 1906.

[Signed] E. GREY.

[Signed] PAUL CAMBON.

[Signed] A. DE SAN GILIANO.

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*Customs Revenues of the Dominican Republic. Treaty between the United States and the Dominican Republic, 1907*

WHEREAS during disturbed political conditions in the Dominican Republic debts and claims have been created, some by regular and some

by revolutionary governments, many of doubtful validity in whole or in part, and amounting in all to over \$30,000,000 nominal or face value;

And whereas the same conditions have prevented the peaceable and continuous collection and application of National revenues for payment of interest or principal of such debts or for liquidating and settlement of such claims; and the said debts and claims continually increase by accretion of interest and are a grievous burden upon the people of the the Dominican Republic and a barrier to their improvement and prosperity;

And whereas the Dominican Government has now effected a conditional adjustment and settlement of said debts and claims under which all its foreign creditors have agreed to accept about \$12,407,000 for debts and claims amounting to about \$21,184,000 of nominal or face value, and the holders of internal debts or claims of about \$2,028,258 nominal or face value have agreed to accept about \$645,827 therefor, and the remaining holders of internal debts or claims on the same basis as the assents already given will receive about \$2,400,000 therefor, which sum the Dominican Government has fixed and determined as the amount which it will pay to such remaining internal debt holders; making the total payments under such adjustment and settlement, including interest as adjusted and claims not yet liquidated, amount to not more than about \$17,000,000.

And whereas a part of such plan of settlement is the issue and sale of bonds of the Dominican Republic to the amount of \$20,000,000 bearing five per cent interest payable in fifty years and redeemable after ten years at 102½ and requiring payment of at least one per cent per annum for amortization, the proceeds of said bonds, together with such funds as are now deposited for the benefit of creditors from customs revenues of the Dominican Republic heretofore received, after payment of the expenses of such adjustment, to be applied first to the payment of said debts and claims as adjusted and second out of the balance remaining to the retirement and extinction of certain concessions and labor monopolies which are a burden and hindrance to the commerce of the country and third the entire balance still remaining to the construction of certain railroads and bridges and other public improvements necessary to the industrial development of the country;

And whereas the whole of said plan is conditioned and dependent upon the assistance of the United States in the collection of customs revenues of the Dominican Republic and the application thereof so far as necessary to the interest upon and the amortization and redemption of said bonds, and the Dominican Republic has requested the United States to give and the United States is willing to give such assistance:

The Dominican Government, represented by its Minister of State for Foreign Relations, Emiliano Tejera, and its Minister of State for Finance and Commerce, Federico Velasquez H., and the United States Government, represented by Thomas C. Dawson, Minister Resident and Consul General of the United States to the Dominican Republic, have agreed:

I. That the President of the United States shall appoint a General Receiver of Dominican Customs, who, with such Assistant Receivers and other employees of the Receivership as shall be appointed by the President of the United States in his discretion, shall collect all the customs duties accruing at the several customs houses of the Dominican Republic until the payment or retirement of any and all bonds received by the Dominican Government in accordance with the plan and under the limitations as to terms and amounts hereinbefore recited; and said General Receiver shall apply the sums so collected, as follows:

First, to paying the expenses of the receivership; second, to the payment of interest upon said bonds; third, to the payment of the annual sums provided for amortization of said bonds including interest upon all bonds held in sinking fund; fourth, to the purchase and cancellation or the retirement and cancellation pursuant to the terms thereof of any of said bonds as may be directed by the Dominican Government; fifth, the remainder to be paid to the Dominican Government.

The method of distributing the current collections of revenue in order to accomplish the application thereof as hereinbefore provided shall be as follows:

The expenses of the receivership shall be paid by the Receivers as they arise. The allowances to the General Receiver and his assistants for the expenses of collecting the revenues shall not exceed five per cent unless by agreement between the two Governments. On the first day of each calendar month the sum of \$100,000 shall be paid over by the Receiver to the Fiscal Agent of the loan, and the remaining collection of the last preceding month shall be paid over to the Dominican Government, or applied to the sinking fund for the purchase or redemption of bonds, as the Dominican Government shall direct.

*Provided*, that in case the customs revenues collected by the General Receiver shall in any year exceed the sum of \$3,000,000, one-half of the surplus above such sum of \$3,000,000 shall be applied to the sinking fund for the redemption of bonds.

II. The Dominican Government will provide by law for the payment of all customs duties to the General Receiver and his assistants, and will give to them all needful aid and assistance and full protection

to the extent of its powers. The Government of the United States will give to the General Receiver and his assistants such protection as it may find to be requisite for the performance of their duties.

III. Until the Dominican Republic has paid the whole amount of the bonds of the debt its public debt shall not be increased except by previous agreement between the Dominican Government and of the United States. A like agreement shall be necessary to modify the import duties, it being an indispensable condition for the modification of such duties that the Dominican Executive demonstrate and that the President of the United States recognize that, on the basis of exportations and importations to the like amount and the like character during the two years preceding that in which it is desired to make such modification, the total net customs receipts would at such altered rates of duties have been for each of such two years in excess of the sum of \$2,000,000 United States gold.

IV. The accounts of the General Receiver shall be rendered monthly to the Contaduria General of the Dominican Republic and to the State Department of the United States and shall be subject to examination and verification by the appropriate officers of the Dominican and the United States Governments.

V. This agreement shall take effect after its approval by the Senate of the United States and the Congress of the Dominican Republic.

Done in four originals, two being in the English language, and two in Spanish, and the representatives of the high contracting parties signing them in the City of Santo Domingo this 8th day of February, in the year of our Lord 1907.

THOMAS C. DAWSON,  
EMILIANO TEJERA,  
FEDERICO VELASQUEZ H.

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*An Act Creating a United States Court for China and prescribing the  
Jurisdiction thereof, 1906*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a court is hereby established, to be called the United States court for China, which shall have exclusive jurisdiction in all cases and judicial proceedings whereof jurisdiction may now be exercised by United States consuls and ministers by law and by virtue of treaties between the United States and China,*

except in so far as the said jurisdiction is qualified by section two of this Act. The said court shall hold sessions at Shanghai, China, and shall also hold sessions at the cities of Canton, Tientsin, and Hankau at stated periods, the dates of such sessions at each city to be announced in such manner as the court shall direct, and a session of the court shall be held in each of these cities at least once annually. It shall be within the power of the judge, upon due notice to the parties in litigation, to open and hold court for the hearing of a special cause at any place permitted by the treaties, and where there is a United States consulate, when, in his judgment, it shall be required by the convenience of witnesses, or by some public interest. The place of sitting of the court shall be in the United States consulate at each of the cities, respectively.

That the seal of the said United States court for China shall be the arms of the United States, engraved on a circular piece of steel of the size of a half dollar, with these words on the margin, "The Seal of the United States Court for China."

The seal of said court shall be provided at the expense of the United States.

All writs and processes issuing from the said court and all transcripts, records, copies, jurats, acknowledgments, and other papers requiring certification or to be under seal, may be authenticated by said seal, and shall be signed by the clerk of said court. All processes issued from the said court shall bear test from the day of such issue.

SEC. 2. The consuls of the United States in the cities of China to which they are respectively credited shall have the same jurisdiction as they now possess in civil cases where the sum or value of the property involved in the controversy does not exceed five hundred dollars United States money and in criminal cases where the punishment for the offense charged can not exceed by law one hundred dollars fine or sixty days' imprisonment, or both, and shall have power to arrest, examine, and discharge accused persons or commit them to the said court. From all final judgments of the consular court either party shall have the right of appeal to the United States court for China; *Provided, also,* That appeal may be taken to the United States court for China from any final judgment of the consular courts of the United States in Korea so long as the rights of extraterritoriality shall obtain in favor of the United States. The said United States court for China shall have and exercise supervisory control over the discharge by consuls and vice-consuls of the duties prescribed by the laws of the United States relating to the estates of decedants in China. Within sixty days after the death

in China of any citizen of the United States, or any citizen of any territory belonging to the United States, the consul or vice-consul whose duty it becomes to take possession of the effects of such deceased person under the laws of the United States shall file with the clerk of said court a sworn inventory of such effects, and shall as additional effects come from time to time into his possession immediately file a supplemental inventory or inventories of the same. He shall also file with the clerk of said court within said sixty days a schedule under oath of the debts of said decedent, so far as known, and a schedule or statement of all additional debts thereafter discovered. Such consul or vice-consul shall pay no claims against the estate without the written approval of the judge of said court, nor shall he make sale of any of the assets of said estate without first reporting the same to said judge and obtaining a written approval of said sale, and he shall likewise within ten days after any such sale report the fact of such sale to said court, and the amount derived therefrom. The said judge shall have power to require at any time reports from consuls or vice-consuls in respect of all their acts and doings relating to the estate of any such deceased person. The said court shall have power to require where it may be necessary a special bond for the faithful performance of his duty to be given by any consul or vice-consul into whose possession the estate of any such deceased citizen shall have come in such amount and with such sureties as may be deemed necessary, and for failure to give such bond when required, or for failure to properly perform his duties in the premises, the court may appoint some other person to take charge of said estate, such person having first given bond as aforesaid. A record shall be kept by the clerk of said court of all proceedings in respect to any such estate under the provisions hereof.

SEC. 3. That appeals shall lie from all final judgments or decrees of said court to the United States circuit court of appeals of the ninth judicial circuit, and thence appeals and writs of error may be taken from the judgments or decrees of the said circuit court of appeals to the Supreme Court of the United States in the same class of cases as those in which appeals and writs of error are permitted to judgments of said court of appeals in cases coming from district and circuit courts of the United States. Said appeals or writs of error shall be regulated by the procedure governing appeals within the United States from the district courts to the circuit courts of appeal, and from the circuit courts of appeal to the Supreme Court of the United States, respectively, so far as the same shall be applicable; and said courts are hereby empowered to hear and determine appeals and writs of error so taken.



SEC. 4. The jurisdiction of said United States court, both original and on appeal, in civil and criminal matters, and also the jurisdiction of the consular courts in China, shall in all cases be exercised in conformity with said treaties and the laws of the United States now in force in reference to the American consular courts in China, and all judgments and decisions of said consular courts, and all decisions, judgments, and decrees of said United States court, shall be enforced in accordance with said treaties and laws. But in all such cases when such laws are deficient in the provisions necessary to give jurisdiction or to furnish suitable remedies, the common law and the law as established by the decisions of the courts of the United States shall be applied by said court in its decisions and shall govern the same subject to the terms of any treaties between the United States and China.

SEC. 5. That the procedure of the said court shall be in accordance so far as practicable, with the existing procedure prescribed for consular courts in China in accordance with the Revised Statutes of the United States: *Provided, however,* That the judge of the said United States court for China shall have authority from time to time to modify and supplement said rules of procedure. The provisions of sections forty-one hundred and six and forty-one hundred and seven of the Revised Statutes of the United States allowing consuls in certain cases to summon associates shall have no application to said court.

SEC. 6. There shall be a district attorney, a marshal, and a clerk of said court, with authority possessed by the corresponding officers of the district courts in the United States as far as may be consistent with the conditions of the laws of the United States and said treaties. The judge of said court and the district attorney, who shall be lawyers of good standing and experience, marshal, and clerk shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive as salary, respectively, the sums of eight thousand dollars per annum for said judge, four thousand dollars per annum for said district attorney, three thousand dollars per annum for said marshal, and three thousand dollars per annum for said clerk. The judge of the said court and the district attorney shall, when the sessions of the court are held at other cities than Shanghai, receive in addition to their salaries their necessary expenses during such sessions not to exceed ten dollars per day for the judge and five dollars per day for the district attorney.

SEC. 7. The tenure of office of the judge of said court shall be ten years, unless sooner removed by the President for cause; the tenure of office of the other officials of the court shall be at the pleasure of the President.

SEC. 8. The marshal and the clerk of said court shall be required to furnish bond for the faithful performance of their duties, in sums and with sureties to be fixed and approved by the judge of the court. They shall each appoint, with the written approval of said judge, deputies at Canton and Tientsin, who shall also be required to furnish bonds for the faithful performance of their duties, which bonds shall be subject both as to form and sufficiency of the sureties, to the approval of the said judge. Such deputies shall receive compensation at the rate of five dollars for each day the sessions of the court are held at their respective cities. The office of marshal in China now existing in pursuance of section forty-one hundred and eleven of the Revised Statutes is hereby abolished.

SEC. 9. The tariff of fees of said officers of the court shall be the same as the tariff already fixed for the consular courts in China, subject to amendment from time to time by order of the President, and all fees taxed and received shall be paid into the Treasury of the United States.

Approved, June 30, 1906.

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*An Act to Regulate the Immigration of Aliens into the United States, 1907*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be levied, collected, and paid a tax of four dollars for every alien entering the United States. The said tax shall be paid to the collector of customs of the port or customs district to which said alien shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance or vehicle bringing such alien to the United States. The money thus collected, together with all fines and rentals collected under the laws regulating the immigration of aliens into the United States, shall be paid into the Treasury of the United States, and shall constitute a permanent appropriation to be called the "immigrant fund," to be used under the direction of the Secretary of Commerce and Labor to defray the expense of regulating the immigration of aliens into the United States under said laws, including the contract labor laws, the cost of reports of decisions of the Federal courts, and digest thereof, for the use of the Commissioner-General of Immigration and the salaries and expenses of all officers, clerks, and employees appointed to enforce said laws. The tax imposed by this section shall*

be a lien upon the vessel, or other vehicle of carriage or transportation bringing such aliens to the United States, and shall be a debt in favor of the United States against the owner or owners of such vessel, or other vehicle, and the payment of such tax may be enforced by any legal or equitable remedy. That the said tax shall not be levied upon aliens who shall enter the United States after an uninterrupted residence of at least one year, immediately preceding such entrance, in the Dominion of Canada, Newfoundland, the Republic of Cuba, or the Republic of Mexico, nor upon otherwise admissible residents of any possession of the United States, nor upon aliens in transit through the United States, nor upon aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, by agreement with transportation lines, as provided in section thirty-two of this Act, may arrange in some other manner for the payment of the tax imposed by this section upon any or all aliens seeking admission from foreign contiguous territory: *Provided further*, That if in any fiscal year the amount of money collected under the provisions of this section shall exceed two million five hundred thousand dollars, the excess above that amount shall not be added to the "immigrant fund:" *Provided further*, That the provisions of this section shall not apply to aliens arriving in Guam, Porto Rico, or Hawaii; but if any such alien, not having become a citizen of the United States, shall later arrive at any port or place of the United States on the North American Continent the provisions of this section shall apply: *Provided further*, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become

a public charge; professional beggars; persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy, anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose or persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons hereinafter called contract laborers, who have been induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, written or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; those who have been, within one year from the date of application for admission to the United States, deported as having been induced or solicited to migrate as above described; any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes, and that said ticket or passage was not paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly; all children under sixteen years of age, unaccompanied by one or both of their parents, at the discretion of the Secretary of Commerce and Labor or under such regulations as he may from time to time prescribe: *Provided*, That nothing in this Act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude: *Provided further*, That the provisions of this section relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *And provided further*, That skilled labor may be imported if labor of like kind unemployed can not be found in this country; *And provided further*, That the provisions of this law applicable to contract labor shall not be held

to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

SEC. 3. That the importation into the United States of any alien woman or girl for the purpose of prostitution, or for any other immoral purpose, is hereby forbidden; and whoever shall, directly or indirectly import, or attempt to import, into the United States, any alien woman or girl for the purpose of prostitution, or for any other immoral purpose, or whoever shall hold or attempt to hold any alien woman or girl for any such purpose in pursuance of such illegal importation, or whoever shall keep, maintain, control, support, or harbor in any house or other place, for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl, within three years after she shall have entered the United States, shall, in every such case, be deemed guilty of a felony, and on conviction thereof be imprisoned not more than five years and pay a fine of not more than five thousand dollars; and any alien woman or girl who shall be found an inmate of a house of prostitution or practicing prostitution, at any time within three years after she shall have entered the United States, shall be deemed to be unlawfully within the United States and shall be deported as provided by sections twenty and twenty-one of this Act.

SEC. 4. That it shall be a misdemeanor for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to assist or encourage the importation or migration of any contract laborer or contract laborers into the United States, unless such contract laborer or contract laborers are exempted under the terms of the last two provisions contained in section two of this Act.

SEC. 5. That for every violation of any of the provisions of section four of this Act the persons, partnership, company, or corporation violating the same, by knowingly assisting, encouraging, or soliciting the migration or importation of any contract laborer into the United States shall forfeit and pay for every such offense the sum of one thousand dollars, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labor or service of any kind as aforesaid, as debts of like amount are now recovered in the courts of the United States; and separate suits may be brought for each alien thus promised labor or service of any kind as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit when brought by the United States.



SEC. 6. That it shall be unlawful and be deemed a violation of section four of this Act to assist or encourage the importation or migration of any alien by promise of employment through advertising printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under promise or agreement as contemplated in section two of this Act, and the penalties imposed by section five of this Act shall be applicable to such a case: *Provided*, That this section shall not apply to States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States advertising the inducements they offer for immigration thereto, respectively.

SEC. 7. That no transportation company or owner or owners of vessels, or others engaged in transporting aliens into the United States, shall directly or indirectly, either by writing, printing, or oral representation, solicit, invite, or encourage the immigration of any aliens into the United States, but this shall not be held to prevent transportation companies from issuing letters, circulars, or advertisements, stating the sailings of their vessels and terms and facilities of transportation therein; and for a violation of this provision, any such transportation company, and any such owner or owners of vessels, and all others engaged in transporting aliens into the United States, and the agents by them employed, shall be severally subjected to the penalties imposed by section five of this Act.

SEC. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or who shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter the United States shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment for each and every alien so landed or brought in or attempted to be landed or brought in.

SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States any alien subject to any of the following disabilities: Idiots, imbeciles, epileptics, or persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secre-



tary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of one hundred dollars for each and every violation of the provisions of this section; and no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, and in the event such fine is imposed, while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

SEC. 10. That the decision of the board of special inquiry, hereinafter provided for, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens affected with tuberculosis or with a loathsome or dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section two of this Act.

SEC. 11. That upon the certificate of a medical officer of the United States Public Health and Marine Hospital Service to the effect that a rejected alien is helpless from sickness, mental or physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded, and the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

SEC. 12. That upon the arrival of any alien by water at any port within the United States it shall be the duty of the master or commanding officer of the steamer, sailing or other vessel having said alien on board to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said list, state as to each alien the full name, age, and sex; whether married or single; the calling or occupation; whether

able to read or write; the nationality; the race; the last residence; the name and address of the nearest relative in the country from which the alien came; the seaport for landing in the United States; the final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; whether the alien has paid his own passage or whether it has been paid by any other person or by any corporation, society, municipality, or government, and if so, by whom; whether in possession of fifty dollars, and if less, how much; whether going to join a relative or friend, and if so, what relative or friend, and his or her name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane or supported by charity; whether a polygamist; whether an anarchist; whether coming by reason of any offer, solicitation, promise, or agreement, express or implied, to perform labor in the United States, and what is the alien's condition of health, mental and physical, and whether deformed or crippled, and if so, for how long and from what cause; that it shall further be the duty of the master or commanding officer of every vessel taking alien passengers out of the United States, from any port thereof, to file before departure therefrom with the collector of customs of such port a complete list of all such alien passengers taken on board. Such list shall contain the name, age, sex, nationality, residence in the United States, occupation, and the time of last arrival of every such alien in the United States, and no master of any such vessel shall be granted clearance papers for his vessel until he has deposited such list or lists with the collector of customs at the port of departure and made oath that they are full and complete as to the name and other information herein required concerning each alien taken on board his vessel; and any neglect or omission to comply with the requirements of this section shall be punishable as provided in section fifteen of this Act. That the collector of customs with whom any such list has been deposited in accordance with the provisions of this section, shall promptly notify the Commissioner-General of Immigration that such list has been deposited with him as provided, and shall make such further disposition thereof as may be required by regulations to be issued by the Commissioner-General of Immigration with the approval of the Secretary of Commerce and Labor: *Provided*, That in the case of vessels making regular trips to ports of the United States the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, may, when expedient, arrange for the delivery of such lists of outgoing aliens at a later date: *Provided further*, That it shall be the

duty of the master or commanding officer of any vessel sailing from ports in the Philippine Islands, Guam, Porto Rico, or Hawaii to any port of the United States on the North American Continent to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation, giving the names of all aliens on board said vessel.

SEC. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, and no one list or manifest shall contain more than thirty names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, and so forth, is contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is an idiot, or imbecile, or a feeble-minded person, or insane person, or a pauper, or is likely to become a public charge, or is afflicted with tuberculosis or with a loathsome or dangerous contagious disease, or is a person who has been convicted of, or who admits having committed a felony or other crime or misdemeanor involving moral turpitude, or is a polygamist or one admitting belief in the practice of polygamy, or an anarchist, or under promise or agreement, express or implied, to perform labor in the United States, or a prostitute, or a woman or a girl coming to the United States for the purpose of prostitution, or for any other immoral purpose, and that also, according to the best of his knowledge and belief, the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect.

SEC. 14. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens the mental and physical examinations and the verifications of the lists or manifests shall be

made by some competent surgeon employed by the owners of the said vessel.

SEC. 15. That in the case of the failure of the master or commanding officer of any vessel to deliver to the said immigration officers lists or manifests of all aliens on board thereof, as required in sections twelve, thirteen, and fourteen of this Act, he shall pay to the collector of customs at the port of arrival the sum of ten dollars for each alien concerning whom the above information is not contained in any list as aforesaid: *Provided* That in the case of failure without good cause to deliver the list of passengers required by section twelve of this Act from the master or commanding officer of every vessel taking alien passengers out of the United States, the penalty shall be paid to the collector of customs at the port of departure and shall be a fine of ten dollars for each alien not included in said list; but in no case shall the aggregate fine exceed one hundred dollars.

SEC. 16. That upon the receipt by the immigration officers at any port of arrival of the lists or manifests of incoming aliens provided for in sections twelve, thirteen, and fourteen of this Act, it shall be the duty of said officers to go or to send competent assistants to the vessel to which said lists or manifests refer, and there inspect all such aliens, or said immigration officers may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing place, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the vessel upon which said aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this Act, bind the said transportation lines, masters, agents, owners, or consignees: *Provided*, That where a suitable building is used for the detention and examination of aliens the immigration officials shall there take charge of such aliens, and the transportation companies, masters, agents, owners, and consignees of the vessels bringing such aliens shall be relieved of the responsibility for their detention thereafter until the return of such aliens to their care.

SEC. 17. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United States Public Health and Marine-Hospital Service, who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine and who shall certify for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases

observed by said medical officers in any such alien, or, should medical officers of the United States Public Health and Marine-Hospital Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergency for such service, upon such terms as may be prescribed by the Commissioner-General of Immigration under the direction or with the approval of the Secretary of Commerce and Labor. The United States Public Health and Marine-Hospital Service shall be reimbursed by the immigration service for all expenditures incurred in carrying out the medical inspection of aliens under regulations of the Secretary of Commerce and Labor.

SEC. 18. That it shall be the duty of the owners, officers, or agents of any vessel or transportation line, other than those railway lines which may enter into a contract as provided in section thirty-two of this Act, bringing an alien to the United States to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers, and the negligent failure of any such owner, officer, or agent to comply with the foregoing requirements shall be deemed a misdemeanor and be punished by a fine in each case of not less than one hundred nor more than one thousand dollars or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; and every such alien landed shall be deemed to be unlawfully in the United States and shall be deported as provided in sections twenty and twenty-one of this Act.

SEC. 19. That all aliens brought to this country in violation of law shall, if practicable, be immediately sent back to the country whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came; and if any master, person in charge, agent, owner, or consignee of any such vessel shall refuse to receive back on board thereof, or on board of any vessel owned or operated by the same interests, such aliens, or shall fail to detain them thereon, or shall refuse or fail to return them to the foreign port from which they came, or to pay the cost of their maintenance while on land, or shall make any charge for the return of any such alien, or shall take any security from him for the payment of such charge, such master, person in charge, agent, owner, or consignee shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine of not less than three hundred dollars for each and every such offense; and no vessel shall have clearance from any port of the United States while any such fine is unpaid: *Provided*, That the Commissioner-



General of Immigration, with the approval of the Secretary of Commerce and Labor, may suspend, upon conditions to be prescribed by the Commissioner-General of Immigration, the deportation of any alien found to have come in violation of any provision of this Act, if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against any provision of this Act: *Provided*, That the cost of maintenance of any person so detained resulting from such suspension of deportation shall be paid from the "immigrant fund" but no alien certified, as provided in section seventeen of this Act, to be suffering from tuberculosis or from a loathsome or dangerous contagious disease other than one of quarantinable nature shall be permitted to land for medical treatment thereof in any hospital in the United States, unless with the express permission of the Secretary of Commerce and Labor: *Provided*, That upon the certificate of a medical officer of the United States Public Health and Marine-Hospital Service to the effect that the health or safety of an insane alien would be unduly imperiled by immediate deportation, such alien may, at the expense of the "immigrant fund," be held for treatment until such time as such alien may, in the opinion of such medical officer, be safely deported.

SEC. 20. That any alien who shall enter the United States in violation of law, and such as become public charges from causes existing prior to landing, shall, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and deported to the country whence he came at any time within three years after the date of his entry into the United States. Such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the "immigrant fund" provided for in section one of this Act, and the deportation from such port shall be at the expense of the owner or owners of such vessel or transportation line by which such aliens respectively came: *Provided*, That pending the final disposal of the case of any alien so taken into custody he may be released under a bond in the penalty of not less than five hundred dollars with security approved by the Secretary of Commerce and Labor, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been taken into custody, and for deportation if he shall be found to be unlawfully within the United States.

SEC. 21. That in case of Secretary of Commerce and Labor shall



be satisfied that an alien has been found in the United States in violation of this Act, or that an alien is subject to deportation under the provisions of this Act or of any law of the United States, he shall cause such alien within the period of three years after landing or entry therein to be taken into custody and returned to the country whence he came, as provided by section twenty of this Act, and a failure or refusal on the part of the masters, agents, owners or consignees of vessels to comply with the order of the Secretary of Commerce and Labor to take on board, guard safely, and return to the country whence he came any alien ordered to be deported under the provisions of this Act shall be punished by the imposition of the penalties prescribed in section nineteen of this Act: *Provided*, That when in the opinion of the Secretary of Commerce and Labor the mental or physical condition of such alien is such as to require personal care and attendance, he may employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in like manner.

SEC. 22. That the Commissioner-General of Immigration, in addition to such other duties as may by law be assigned to him, shall, under the direction of the Secretary of Commerce and Labor, have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder. He shall establish such rules and regulations, prescribe such forms of bond, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this Act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid; all under the direction or with the approval of the Secretary of Commerce and Labor. And it shall be the duty of the Commissioner-General of Immigration to detail officers of the immigration service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges: *Provided*, That the Commissioner-General of Immigration may, with the approval of the Secretary of Commerce and Labor, whenever in his judgment such

action may be necessary to accomplish the purposes of this Act, detail immigration officers, and also surgeons, in accordance with the provisions of section seventeen, for service in foreign countries.

SEC. 23. That the duties of the commissioners of immigration shall be of an administrative character, to be prescribed in detail by regulations prepared, under the direction or with the approval of the Secretary of Commerce and Labor.

SEC. 24. That immigrant inspectors and other immigrant officers, clerks, and employees shall hereafter be appointed and their compensation fixed and raised or decreased from time to time by the Secretary of Commerce and Labor, upon the recommendation of the Commissioner-General of Immigration and in accordance with the provisions of the civil-service Act of January sixteenth, eighteen hundred and eighty-three: *Provided*, That said Secretary, in the enforcement of that portion of this Act which excludes contract laborers, may employ, without reference to the provisions of the said civil service Act, or to the various Acts relative to the compilation of the official register, such persons as he may deem advisable and from time to time fix, raise, or decrease their compensation. He may draw from the "immigrant fund" annually fifty thousand dollars or as much thereof as may be necessary, to be expended for the salaries and expenses of persons so employed and for expenses incident to such employment; and the accounting officers of the Treasury shall pass to the credit of the proper disbursing officer expenditures from said sum without itemized account whenever the Secretary of Commerce and Labor certifies that an itemized account would not be for the best interests of the Government: *Provided further*, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation Act approved August eighteenth, eighteen hundred and ninety-four, or the official status of such commissioners heretofore appointed. Immigration officers shall have power to administer oaths and to take and consider evidence touching the right of any alien to enter the United States, and, where such action may be necessary, to make a written record of such evidence; and any person to whom such an oath has been administered under the provisions of this Act who shall knowingly or wilfully give false evidence or swear to any false statement in any way affecting or in relation to the right of any alien to admission to the United States shall be deemed guilty of perjury and be punished as provided by section fifty-three hundred and ninety-two, United States Revised Statutes. The decision of any such officer, if favorable to the admission of any

alien, shall be subject to challenge by any other immigration officer, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry.

SEC. 25. That such boards of special inquiry shall be appointed by the commissioner of immigration at the various ports of arrival as may be necessary for the prompt determination of all cases of immigrants detained at such ports under the provisions of law. Each board shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, shall from time to time designate as qualified to serve on such boards: *Provided*, That at ports where there are fewer than three immigrant inspectors, the Secretary of Commerce and Labor, upon the recommendation of the Commissioner-General of Immigration, may designate other United States officials for service on such boards of special inquiry. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or shall be deported. All hearings before boards shall be separate and apart from the public, but the said boards shall keep a complete permanent record of their proceedings and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail, but either the alien or any dissenting member of the said board may appeal through the commissioner of immigration at the port of arrival and the Commissioner-General of Immigration to the Secretary of Commerce and Labor, and the taking of such appeal shall operate to stay any action in regard to the final disposal of any alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision which shall be rendered solely upon the evidence adduced before the board of special inquiry: *Provided*, That in every case where an alien is excluded from admission into the United States, under any law or treaty now existing or hereafter made, the decision of the appropriate immigration officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of Commerce and Labor but nothing in this section shall be construed to admit of any appeal in the case of an alien rejected as provided for in section ten of this Act.

SEC. 26. That any alien liable to be excluded because likely to become a public charge or because of physical disability other than tubercu-

losis or a loathsome or dangerous contagious disease may, if otherwise admissible, nevertheless be admitted in the discretion of the Secretary of Commerce and Labor upon the giving of a suitable and proper bond or undertaking, approved by said Secretary in such amount and containing such conditions as he may prescribe, to the people of the United States, holding the United States or any State, territory, county, municipality, or district thereof harmless against such alien becoming a public charge. The admission of such alien shall be a consideration for the giving of such bond or undertaking. Suit may be brought thereon in the name and by the proper law officers either of the United States Government or of any State, Territory, district, county, or municipality in which such alien becomes a public charge.

SEC. 27. That no suit or proceeding for a violation of the provisions of this Act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

SEC. 28. That nothing contained in this Act shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the taking effect of this Act; but as to all such prosecutions, suits, actions, proceedings, acts, things, or matters the laws or parts of laws repealed or amended by this Act are hereby continued in force and effect.

SEC. 29. That the circuit and district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this Act.

SEC. 30. That all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigrant station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, may prescribe: *Provided*, That no intoxicating liquors shall be sold in any such immigrant station; that all receipts accruing from the disposal of such exclusive privileges as herein provided shall be paid into the Treasury of the United States to the credit of the "immigrant fund" provided for in section one of this Act.

SEC. 31. That for the preservation of the peace and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located, the officers in charge of such station, as occasion may require,

shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purpose of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

SEC. 32. That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy passengers in ordinary travel between the United States and said countries, and shall have power to enter into contracts with transportation lines for the said purpose.

SEC. 33. That for the purpose of this Act the term "United States" as used in the title as well as in the various sections of this Act shall be construed to mean the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone: *Provided*, That if any alien shall leave the canal zone and attempt to enter any other place under the jurisdiction of the United States, nothing contained in this Act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens.

SEC. 34. That the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, may appoint a commissioner of immigration to discharge at New Orleans, Louisiana, the duties now required of other commissioners of immigration at their respective posts.

SEC. 35. That the deportation of aliens arrested within the United States after entry and found to be illegally therein, provided for in this Act, shall be to the trans-Atlantic or trans-Pacific ports from which said aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which said aliens embarked for such territory.

SEC. 36. That all aliens who shall enter the United States except at the seaports thereof, or at such place or places as the Secretary of Commerce and Labor may from time to time designate, shall be adjudged to have entered the country unlawfully and shall be deported as provided by sections twenty and twenty-one of this Act: *Provided*, That nothing contained in this section shall affect the power conferred by section thirty-two of this Act upon the Commissioner-General of Immigration to prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico.

SEC. 37. That whenever an alien shall have taken up his permanent



residence in this country, and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife, or minor children to join him, if said wife or any of said children shall be found to be affected with any contagious disorder, such wife or children shall be held, under such regulations as the Secretary of Commerce and Labor shall prescribe, until it shall be determined whether the disorder will be easily curable, or whether they can be permitted to land without danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained; and if it shall be determined that the disorder is easily curable or that they can be permitted to land without danger to other persons, they shall, if otherwise admissible, thereupon be admitted.

SEC. 38. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, shall be permitted to enter the United States or any territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of Commerce and Labor under such rules and regulations as he shall prescribe. That any person who knowingly aids or assists any such person to enter the United States or any territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of Commerce and Labor shall be fined not more than five thousand dollars, or imprisoned for not more than five years, or both.

SEC. 39. That a commission is hereby created, consisting of three Senators, to be appointed by the President of the Senate, and three members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, and three persons, to be appointed by the President of the United States. Said commission shall make full inquiry, examination, and investigation by sub-committee or otherwise into the subject of immigration. For the purpose of said inquiry, examination, and investigation, said commission is authorized to send for persons and papers, make all necessary travel either in the United States or any foreign country, and, through the chairman of the commission or any member thereof to administer



oaths and to examine witnesses and papers respecting all matters pertaining to the subject, and to employ necessary clerical and other assistance. Said commission shall report to the Congress the conclusion reached by it and make such recommendations as in its judgment may seem proper. Such sums of money as may be necessary for the said inquiry, examination, and investigation are hereby appropriated and authorized to be paid out of the "immigrant fund" on the certificate of the chairman of said commission, including all expenses of the commissioners and a reasonable compensation, to be fixed by the President of the United States, for those members of the commission who are not members of Congress; and the President of the United States is also authorized, in the name of the Government of the United States, to call, in his discretion, an international conference, to assemble at such point as may be agreed upon or to send special commissioners to any foreign country, for the purpose of regulating by international agreement, subject to the advice and consent of the Senate of the United States, the immigration of aliens to the United States; of providing for the mental, moral and physical examination of such aliens by American consuls or other officers of the United States Government at the ports of embarkation, or elsewhere; of securing the assistance of foreign governments in their own territories to prevent the evasion of the laws of the United States governing immigration to the United States; of entering into such international agreements as may be proper to prevent the immigration of aliens who, under the laws of the United States, are or may be excluded from entering the United States, and of regulating any matters pertaining to such immigration.

SEC. 40. Authority is hereby given the Commissioner-General of Immigration to establish, under the direction and control of the Secretary of Commerce and Labor, a division of information in the Bureau of Immigration and Naturalization; and the Secretary of Commerce and Labor shall provide such clerical assistance as may be necessary. It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration. Correspondence shall be had with the proper officials of the States and Territories, and said division shall gather from all available sources useful information regarding the resources, products, and physical characteristics of each State and Territory, and shall publish such information in different languages and distribute the publications among all admitted aliens who may ask for such information at the immigrant stations of the United States and to such other persons as may desire the same. When any State

or Territory appoints and maintains an agent or agents to represent it at any of the immigrant stations of the United States, such agent shall, under regulations prescribed by the Commissioner-General of Immigration, subject to the approval of the Secretary of Commerce and Labor, have access to aliens who have been admitted to the United States for the purpose of presenting, either orally or in writing, the special inducements offered by such State or Territory to aliens to settle therein. While on duty at any immigrant station such agents shall be subject to all the regulations prescribed by the Commissioner-General of Immigration, who, with the approval of the Secretary of Commerce and Labor, may, for violation of any such regulations, deny to the agent guilty of such violation any of the privileges herein granted.

SEC. 41. That nothing in this Act shall be construed to apply to accredited officials of foreign governments nor to their suites, families, or guests.

SEC. 42. It shall not be lawful for the master of a steamship or other vessel whereon immigrant passengers, or passengers other than cabin passengers, have been taken at any port or place in a foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage; that is to say, in a steamship, the compartments or spaces, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow for each and every passenger carried on brought therein eighteen clear superficial feet of deck allotted to his or her use, if the compartment or space is located on the main deck or on the first deck next below the main deck of the vessel, and twenty clear superficial feet of deck allotted to his or her use for each passenger carried or brought therein if the compartment or space is located on the second deck below the main deck of the vessel: *Provided*, That if the height between the lower passenger deck and the deck immediately above it is less than seven feet, or if the apertures (exclusive of the side scuttles) through which light and air are admitted together to the lower passenger deck are less in size than in the proportion of three square feet to every one hundred superficial feet of that deck, the ship shall not carry a greater number of passengers on that deck than in the proportion of one passenger to every thirty clear superficial feet thereof. It shall not be lawful to carry or bring passengers on any deck other than the decks above mentioned. And in sailing vessels such passengers shall be carried or

brought only on the deck (not being an orlop deck) that is next below the main deck of the vessel, or in a poop or deck house constructed on the main deck; and the compartment or space, unobstructed by cargo, stores of goods, shall be of sufficient dimensions to allow one hundred and ten cubic feet for each and every passenger brought therein. And such passengers shall not be carried or brought in any between decks, nor in any compartment, space, poop, or deck house, the height of which from deck to deck is less than six feet. In computing the number of such passengers carried or brought in any vessel, children under one year of age shall not be included, and two children between one and eight years of age shall be counted as one passenger and any person brought in any such vessel who shall have been, during the voyage taken from any other vessel wrecked or in distress on the high seas, or have been picked up at sea from any boat, raft, or otherwise, shall not be included in such computation. The master of a vessel coming to a port or place in the United States in violation of either of the provisions of this section shall be deemed guilty of a misdemeanor; and if the number of passengers other than cabin passengers carried or brought in the vessel, or in any compartment, space, poop, or deck house thereof, is greater than the number allowed to be carried or brought therein respectively, or hereinbefore prescribed, the said master shall be fined fifty dollars for each and every passenger in excess of the proper number, and may also be imprisoned not exceeding six months.

This section shall take effect on January first, nineteen hundred and nine.

SEC. 43. That the Act of March third, nineteen hundred and three, being an Act to regulate the immigration of aliens into the United States except section thirty-four thereof, and the Act of March twenty-second, nineteen hundred and four, being an Act to extend the exemption from head tax to citizens of Newfoundland entering the United States, and all Acts and parts of Acts inconsistent with this Act are hereby repealed. *Provided*, That this Act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent, nor to repeal, alter, or amend section six, chapter four hundred and fifty-three, third session Fifty-eighth Congress, approved February sixth nineteen hundred and five, or, prior to January first, nineteen hundred and nine, section one of the Act approved August second, eighteen hundred and eighty-two, entitled "An Act to regulate the carriage of passengers by sea."

SEC. 44. That this Act shall take effect and be enforced from and after July first, nineteen hundred and seven: *Provided, however*, That

section thirty-nine of this Act and the last proviso of section one shall take effect upon the passage of this Act and section forty-two on January first, nineteen hundred and nine.

Approved, February 20, 1907.

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*An Act in Reference to the Expatriation of Citizens and their Protection Abroad, 1907*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of State shall be authorized, in his discretion, to issue passports to persons not citizens of the United States as follows: Where any person has made a declaration of intention to become such a citizen as provided by law and has resided in the United States for three years a passport may be issued to him entitling him to the protection of the Government in any foreign country: *Provided*, That such passport shall not be valid for more than six months and shall not be renewed, and that such passport shall not entitle the holder to the protection of this Government in the country of which he was a citizen prior to making such declaration of intention.

SEC. 2. That any American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign state in conformity with its laws, or when he has taken an oath of allegiance to any foreign state.

When any naturalized citizen shall have resided for two years in the foreign state from which he came, or for five years in any other foreign state it shall be presumed that he has ceased to be an American citizen, and the place of his general abode shall be deemed his place of residence during said years: *Provided, however*, That such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United States, under such rules and regulations as the Department of State may prescribe: *And provided also*, That no American citizen shall be allowed to expatriate himself when this country is at war.

SEC. 3. That any American woman who marries a foreigner shall take the nationality of her husband. At the termination of the marital relation she may resume her American citizenship, if abroad, by registering as an American citizen within one year with a consul of the United States, or by returning to reside in the United States, or, if residing in the United States at the termination of the marital relation, by continuing to reside therein.

SEC. 4. That any foreign woman who acquires American citizenship by marriage to an American shall be assumed to retain the same after the termination of the marital relation if she continue to reside in the United States, unless she makes formal renunciation thereof before a court having jurisdiction to naturalize aliens, or if she resides abroad she may retain her citizenship by registering as such before a United States consul within one year after the termination of such marital relation.

SEC. 5. That a child born without the United States of alien parents shall be deemed a citizen of the United States by virtue of the naturalization of or resumption of American citizenship by the parent: *Provided*, That such naturalization or resumption takes place during the minority of such child: *And provided further*, That the citizenship of such minor child shall begin at the time such minor child begins to reside permanently in the United States.

SEC. 6. That all children born outside the limits of the United States who are citizens thereof in accordance with the provisions of section nineteen hundred and ninety-three of the Revised Statutes of the United States and who continue to reside outside the United States shall, in order to receive the protection of this Government, be required upon reaching the age of eighteen years to record at an American consulate their intention to become residents and remain citizens of the United States and shall be further required to take the oath of allegiance to the United States upon attaining their majority.

SEC. 7. That duplicates of any evidence, registration, or other acts required by this Act shall be filed with the Department of State for record.

Approved, March 2, 1907.

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*Rules Governing the Granting and Issuing of Passports to those Who Have Declared Their Intention to Become Citizens of the United States*

1. The first section of the act approved March 2, 1907, "in reference to the expatriation of citizens and their protection abroad," provides "That the Secretary of State shall be authorized, in his discretion, to issue passports to persons not citizens of the United States as follows: Where any person has made a declaration of intention to become such a citizen as provided by law and has resided in the United States for three years, a passport may be issued to him entitling him to the protection of the Government in any foreign country: *Provided*, That such passport shall not be valid for more than six months and shall not



be renewed, and that such passport shall not entitle the holder to the protection of this Government in the country of which he was a citizen prior to making such declaration of intention."

2. This section is not intended to confer upon persons who have only declared their intention to become citizens a general right to receive passports upon application. Such passports will be issued only when it is affirmatively shown to the Secretary of State that some special exigency requires the temporary absence of the applicant from the United States, and that without such absence the applicant would be subjected to special hardship or injury.

3. Such passports will not be issued to those who have made the declaration of intention and who have failed, through their own neglect, to complete their intention and secure naturalization as citizens of the United States; nor to those who may make the declaration of intention in order to secure passports and leave the United States, *nor shall more than one such passport be issued to any applicant.*

4. It is therefore ordered that before a passport shall be issued to anyone who has made the declaration of intention to become a citizen or the United States *the following facts shall be established to the satisfaction of the Secretary of State;*

(a) That the applicant has resided in the United States for at least three years, as provided by law.

(b) That he is not yet eligible under the law for making application for final naturalization.

(c) *That at least six months have elapsed since the applicant's declaration of intention.*

(d) *That the applicant has not previously applied for and obtained a similar passport from this Department.*

(e) That a special and imperative exigency exists requiring the absence of the applicant from the United States. The burden of proof will, in each case, be upon the applicant to show to the satisfaction of the Secretary of State that there is a necessity for his absence.

(f) That the applicant has not applied for or obtained a passport from any other government since he declared his intention to become a citizen of the United States.

5. Applications must be made in the form of an affidavit to the Secretary of State.

6. The affidavit must be attested by an officer authorized to administer oaths, and if he has an official seal it must be affixed. If he has no seal his official character must be authenticated by certificate of the proper legal officer.



7. If the applicant signs by mark two attesting witnesses to his signature are required.

8. The applicant is required to state the date and place of his birth, his occupation and the place of his permanent residence, where he intends to travel, how long he expects to remain in each foreign country, for what purpose he is proceeding abroad, the circumstances which make his absence necessary, that he intends to return to the United States, and the probable duration of his absence therefrom.

9. *If any previous application for a similar passport has been denied by the Department, this fact must be stated by the applicant.*

The application must be accompanied by a description of the person applying and should state the following particulars, namely: Age, —; stature, — feet — inches (English measure); forehead, —; eyes, —; nose, —; mouth, —; chin, —; hair, —; complexion, —; face, —.

The application must be accompanied by two supporting affidavits from citizens of the United States, who shall state that the applicant is the person he represents himself to be, how long they have known him, and that the facts stated in his affidavit are true to the best of their knowledge and belief.

ELIHU ROOT.

DEPARTMENT OF STATE,  
Washington, March 23, 1907.